
TIGARD CITY COUNCIL
MEETING

June 25, 2002 6:00 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
June 25, 2002

6:00 PM

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss current and potential litigation under ORS 192.660(1)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- STUDY SESSION
 - > Discuss Design/Build & Traditional Construction Process for the Library

7:00 PM

- WELCOME – INDONESIAN DELEGATION

7:30 PM

1. BUSINESS MEETING
 - 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items
2. SWEAR IN POLICE CAPTAIN
 - Police Chief Ron Goodpaster will swear-in Alan Orr to the position of Police Captain
3. INTRODUCE INDONESIAN DELEGATION AND SIGN WORKPLAN
4. VISITOR'S AGENDA (Two Minutes or Less, Please)

5. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
 - 5.1 Receive and File: Canvass of Votes for Measure 34-47, Relating to the Election on May 21, 2002
 - 5.2 Authorize the Issuance of a Limited Tax Improvement Bond for the 69th Avenue Local Improvement District – Resolution No. 02-____
 - 5.3 Reappoint Mike Benner to the Budget Committee and Appoint Tom Woodruff as Alternate to the Budget Committee; Reappoint Jane Smith to the Library Board and Appoint Suzan Turley as Alternate to the Library Board – Resolution No. 02-____
 - *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
6. CONSIDER ORDINANCE APPROVING THE AT&T MERGER WITH COMCAST
 - Staff Report: Administration Department
 - Council Consideration: Ordinance No. 02-____
7. UPDATE ON THE SKATEBOARD PARK FACILITY
 - Staff Report and Presentation: Public Works Department and Representatives of the Skateboard Park Task Force
8. ACCEPT BONITA PARK MASTER PLAN AND SELECT A NAME FOR THE PARK
 - Staff Report: Public Works Department
 - Council Consideration: 1) Motion to accept the Master Plan; 2) Motion to select the name for the park
9. ACCEPT SUMMERLAKE MASTER PLAN
 - Staff Report: Public Works Department
 - Council Consideration: Motion to accept the Master Plan

10. PUBLIC HEARING (LEGISLATIVE) – CULTURAL INSTITUTION ZONE
ORDNANCE AMENDMENT (ZOA2002-00002)

REQUEST: A request to amend Table 18.510.1 of the Tigard Development Code to allow cultural institutions to be allowed as a conditional use within the R-12 zoning district.

LOCATION: Citywide. **ZONE:** N/A. **APPLICABLE REVIEW**

CRITERIA: Statewide Planning Goals 1, 8, 9, 10 and 11; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 2.1.3, 5.1 and 12.4.1; and Community Development Code Chapters 18.380, 18.390 and 18.510.

- a. Open Public Hearing
- b. Summation by Community Development Department
- c. Public Testimony
- d. Staff Recommendation
- e. Council Discussion
- f. Close Public Hearing
- g. Consideration by Council: Ordinance No. 02-_____

11. CONSIDER AN AMENDMENT TO THE CURRENT WATER RATE SCHEDULE
AND ADOPT A THREE-YEAR RATE SCHEDULE THAT REFLECTS THE
INCREASES ASSOCIATED WITH PROVIDING WATER SERVICE

- Staff Report: Public Works Department
- Council Consideration: Resolution No. 02-_____

12. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 24 – SW GAARDE
STREET

- a. Open Public Hearing
- b. Summation by Engineering Department
- c. Public Testimony
- d. Staff Recommendation
- e. Council Discussion
- f. Close Public Hearing
- g. Consideration by Council: Resolution No. 02 - _____

13. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER ESTABLISHING
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 – SW 121ST AVENUE
SOUTH OF ROSE VISTA DRIVE
 - a. Open Public Hearing
 - b. Summation by Engineering Department
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 02 - _____

14. PUBLIC HEARING – CONSIDER PROPOSED ASSESSMENT INCREASE FOR THE
METZGER PARK LOCAL IMPROVEMENT DISTRICT
 - a. Open Public Hearing
 - b. Introduction by Administration Staff; Summation by Washington County Staff
and Metzger Park Board Representative
 - c. Public Testimony
 - d. Staff Recommendation
 - e. Council Discussion
 - f. Close Public Hearing
 - g. Consideration by Council: Resolution No. 02 - _____

15. COUNCIL LIAISON REPORTS

16. NON AGENDA ITEMS

17. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If
an Executive Session is called to order, the appropriate ORS citation will be
announced identifying the applicable statute. All discussions are confidential and
those present may disclose nothing from the Session. Representatives of the news
media are allowed to attend Executive Sessions, as provided by ORS 192.660(3),
but must not disclose any information discussed. No Executive Session may be held
for the purpose of taking any final action or making any final decision. Executive
Sessions are closed to the public.

18. ADJOURNMENT

I:\ADMCATHY\CCAI020625.DOC

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Indonesian Delegation Greeting & Work Plan Signing

PREPARED BY: Loreen Mills  DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formalize the next work plan with the Indonesian Delegation from the City of Samarinda, County of Kutai, East Kalimantan.

STAFF RECOMMENDATION

Formally greet the Indonesian Delegation and formally sign the work plan for the next 4 months.

INFORMATION SUMMARY

The City of Tigard has been given a unique opportunity to work in partnership with the City of Samarinda, County of Kutai, East Kalimantan, Indonesia as well as Washington County. This is as part of the International Resource Cities Program which is funded by the U.S. Agency for International Development (USAID) and implemented by the International City/County Management Association (ICMA).

In February, 2002, a delegation from Tigard & Washington County visited Samarinda and the County of Kutai and signed an agreement between the cities and counties and ICMA to accomplish the following between 2/02 and 12/03:

- Develop an improved citizen participation process based on communication between the city staff using more effective means;
- Create a solid waste recycling program and initiate education of the community on the benefits and practices of recycling;
- Design and carry out a training program in double entry accounting using the finance staff of Samarinda and Kutai as the staff trainers locally; and
- Prepare a matrix of potential revenue generating programs for Samarinda along with Kutai.

During this month, a delegation of seven Indonesians visited Tigard and Washington County and trained with Tigard and County staff in the above areas. The Indonesians from Samarinda and Kutai and interpreters are:

Samarinda

Mochdar Hasan, Local Planning Board Director *
Ali Fitri Noor, Finance Director
Rusman Yakub, Vice Chairman of Council
Rosita Hafiedz, Finance Officer

Kutai

Bachruddin Noor, Local Planning Board Director
Totok Heru Subroto, Local Planning Board Professional Officer
Jantje Taroreh, Health Department Officer

ICMA Interpreters

Kemal Taruc, Partnership Manager
Sopialena, Kalimantan Regional Coordinator
Johannes Tan, Interpreter from Portland

Tigard Interpreter

Titli Lake, Interpreter from Beaverton

The work plan for the next 4 months will be provided to the City Council prior to the meeting. It will be finalized with the Indonesian Delegation 6/21 through 6/24. The work plan will define the tasks the City of Samarinda and County of Kutai will perform between July and October in Indonesia and identify the training Tigard staff will provide in Indonesia during the month of October.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

Cost for this program is provided by USAID with the City providing primarily staff time.

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File: Canvass of Votes for Measure 34-47, relating to the election on May 21, 2002

PREPARED BY: C. Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Receive and File: Official Election Results for the May 21, 2002, Election

STAFF RECOMMENDATION

Receive and file the Summary Report prepared by Washington County with regard to Measure 34-47 that was on the May 21, 2002, ballot.

INFORMATION SUMMARY

Each time the City Recorder canvasses the votes as required by the Washington County Elections Division, a copy is filed with the City Council at a Council meeting in order to officially "receive and file" the information.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Copy of the Abstract of Votes for Measure 34-47 from Washington County relating to the election held on May 21, 2002.

FISCAL NOTES

The City is not charged for expenses associated with a primary election (ORS 254.046).



WASHINGTON COUNTY OREGON

June 4, 2002

City Recorder
Tigard City
13125 SW Hall Blvd
Tigard Or 97223

RECEIVED C.O.T.
JUN 10 2002
Administration

Enclosed you will find a copy of the Abstract of Votes for Measure 34-47 relating to the election held on May 21, 2002. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Ginny Kingsley
Elections Manager

GK/jd



I have canvassed the votes for Measure 34-47, relating to the election on May 21, 2002. By signing this canvass letter, I concur with the final results.

Catherine Wheatley
AUTHORIZING SIGNATURE

6.11.02
DATE

OFFICIAL PRIMARY ELECTION
TUESDAY, MAY 21, 2002
SUMMARY REPORT

Date 06/06/2002
Time 09:05:52

MEASURE 10			34-52 HILLSBORO CHARTER			34-46 TUALATIN CHARTER		
	(#/PCT 153)			(#/PCT 17)			(#/PCT 6)	
	(#/RPT 153)			(#/RPT 17)			(#/RPT 6)	
(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)	
YES	73139 81.6		YES	7926 75.9		YES	3428 81.1	
NO	16411 18.3		NO	2513 24.0		NO	797 18.8	
Blank voted (ballots)	9233 9.3		Blank voted (ballots)	2027 16.2		Blank voted (ballots)	233 5.2	
Over voted (ballots)	116 0.1		Over voted (ballots)	6 0.0		Over voted (ballots)	6 0.1	
MEASURE 11			34-50 NP CITY CHARTER			26-11 METRO CHARTER		
	(#/PCT 153)			(#/PCT 1)			(#/PCT 138)	
	(#/RPT 153)			(#/RPT 1)			(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)	
YES	71138 80.0		YES	93 26.4		YES	38056 48.2	
NO	17732 19.9		NO	258 73.5		NO	40802 51.7	
Blank voted (ballots)	9832 9.9		Blank voted (ballots)	9 2.5		Blank voted (ballots)	11691 12.8	
Over voted (ballots)	147 0.1		Over voted (ballots)	0 0.0		Over voted (ballots)	184 0.2	
MEASURE 13			26-28 PORTLAND CITY LEVY			26-29 METRO CHARTER		
	(#/PCT 153)			(#/PCT 5)			(#/PCT 138)	
	(#/RPT 153)			(#/RPT 5)			(#/RPT 138)	
(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)	
YES	44399 49.1		YES	198 76.4		YES	53586 68.4	
NO	45857 50.8		NO	61 23.5		NO	24667 31.5	
Blank voted (ballots)	8484 8.5		Blank voted (ballots)	12 4.4		Blank voted (ballots)	12373 13.6	
Over voted (ballots)	159 0.1		Over voted (ballots)	0 0.0		Over voted (ballots)	107 0.1	
34-48 ESPD LEVY			26-30 PORTLAND CHARTER			34-49 TIG/TUAL SCH GOB		
	(#/PCT 62)			(#/PCT 5)			(#/PCT 24)	
	(#/RPT 62)			(#/RPT 5)			(#/RPT 24)	
(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)	
YES	25656 72.2		YES	52 22.4		YES	12721 67.4	
NO	9831 27.7		NO	180 77.5		NO	6126 32.5	
Blank voted (ballots)	2605 6.8		Blank voted (ballots)	39 14.3		Blank voted (ballots)	1098 5.5	
Over voted (ballots)	43 0.1		Over voted (ballots)	0 0.0		Over voted (ballots)	17 0.0	
34-51 HILLSBORO CITY GOB			34-47 TIGARD CITY GOB					
	(#/PCT 17)			(#/PCT 9)				
	(#/RPT 17)			(#/RPT 9)				
(No. to vote for 1)	(%/RP 100.0)		(No. to vote for 1)	(%/RP 100.0)				
YES	7086 59.2		YES	6720 59.6				
NO	4877 40.7		NO	4537 40.3				
Blank voted (ballots)	495 3.9		Blank voted (ballots)	506 4.2				
Over voted (ballots)	14 0.1		Over voted (ballots)	16 0.1				

District Registration

ESPD - 84,977

Hillsboro City - 29,541

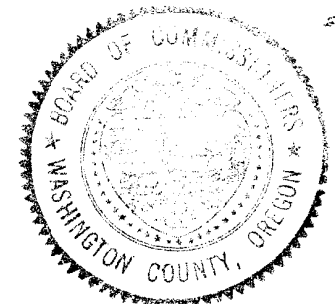
Portland City - 686

Tigard City - 21,657

Tigard/Tualatin School
- 36,200

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Date June 6, 2002
WASHINGTON COUNTY
ELECTIONS DIVISION
BY [Signature]



AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A resolution authorizing the issuance of a limited tax improvement bond for the 69th Avenue local improvement district.

PREPARED BY: Craig Prosser DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Council approve issuance of bonds to finance property owner assessments for the 69th Ave. LID?

STAFF RECOMMENDATION

Approve the issuance of bonds.

INFORMATION SUMMARY

In June 1998, Specht Development submitted a petition to form a local improvement district (LID) to improve streets in the area of 69th Ave. The City formed the LID in March 1999 with the passage of Ordinance 99-07. The streets were improved and the project was completed. The City assessed benefiting properties their proportionate share of the cost of the improvement by passage of ordinance 02-16 on March 26, 2002. At the time of the formation of this district, the City committed to the lead petitioner to finance property owner assessments over a 20 year term.

Property owners were notified of their assessments in April 2002. Twelve property owners signed installment contracts to finance their assessments, totaling \$1,307,969. The City contacted banking institutions to obtain bids on these bonds. All but one bank declined to bid on these bonds. The reasons for this lack of interest include:

1. The overall size of the bond that finances property owner assessments is small at \$1.3 million. This limits the number of banks that are interested in providing financing.
2. The City made a firm commitment to property owners to finance these assessments over a 20-year period. This length of time is very unusual in today's bond market. Banks prefer to finance assessment bonds for no more than 10 years.
3. Property owner assessments and the bonds that finance those assessments are pre-payable at any time without penalty. Property owners need this flexibility so that they can sell their property or refinance mortgages as their circumstances dictate. Federal IRS regulations require the City to use prepayments to pay off bonds issued to finance these assessments as soon as possible. Banks do not like to have tax exempt bonds paid off early.

All of these factors combined to produce a high rate for the bonds that the City issued to finance the assessments. The rate the City received on the bonds was 7.25% from US Bank. In addition, the bank will charge the City a fee of \$3,720 to complete this financing. The City Code requires that the City add 1.5% on top of the rate charged by the bank to cover the cost of issuing and of managing the bonds and assessment payments over the 20 year term and to build a reserve to cover any delinquent payments. The final rate for property owner installment contracts is therefore 8.75%.

Once it became apparent that property owner assessment contracts would carry a very high interest rate, the City contacted a wider range of banks to attempt to find a lower interest rate. No other banks would bid on a 20-year bond. Staff explored different options, including a structure with payments amortized over 20 years, but with a balloon payment in year 15. That structure did not work for the majority landowner in the district, which had already entered into business deals based on an expectation of 20-year financing. In short, the City was left with only the one option for 20-year financing.

Property owner installment contracts and accrued interest are prepayable at any time without penalty. Property owners may be able to arrange private financing of this obligation at a lower interest rate. If so, they could prepay this obligation (including interest accrued to the date of the prepayment) without penalty.

At the time the Council considered the assessment ordinance in March of this year, two property owners registered objections to their assessments, and the Council decided to use City funds to reduce those two assessments. One of those property owners has since registered with the State of Oregon's Senior Assessment Program. Under this program, the State of Oregon will make all assessment payments for this individual when due. The State will recover those payments plus interest when the property owner sells her property or when it passes to her heirs.

OTHER ALTERNATIVES CONSIDERED

There are no alternatives. The City is required by State law to provide financing for property owner assessments.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution

FISCAL NOTES

The interest rate on these bonds is 7.25%.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION AUTHORIZING THE ISSUANCE OF A LIMITED TAX IMPROVEMENT BOND
FOR THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT.

WHEREAS, the City of Tigard is authorized pursuant to the Constitution and laws of the State of Oregon, including Oregon Revised Statutes Chapter 288 and Sections 223.205 to 223.295 and the City Charter, to construct publicly owned and operated local improvements which specially benefit properties, to assess the specially benefited properties for the costs of local improvements, and to issue limited tax bonds to finance the costs of those improvements; and,

WHEREAS, Article XI, Section 11b of the Oregon Constitution states that assessments for local improvements will not be “taxes” which are subject to that section’s limitations if the local improvement is a capital construction project undertaken by the City: (a) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties; (b) the costs of which are assessed against those properties in a single assessment upon the completion of the project; (c) for which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years; and, (d) for which the total of all assessments do not exceed the actual costs incurred by the City in designing, constructing and financing the project; and,

WHEREAS, the City has completed construction of the 69th Avenue Local Improvement District improvement project (the “Project”), and has assessed its costs against benefited properties in compliance with Article XI, Section 11b of the Oregon Constitution, so that the assessments for the District improvement project are not “taxes” which are subject to that section’s limitations; and,

WHEREAS, the City has issued its \$1,715,000 Amended Full Faith and Credit Local Improvement Bond Anticipation Note, which matures on July 2, 2002 (the “Outstanding Note”) to provide interim financing for the Project; and,

WHEREAS, the City now desires to obtain long term financing for the Project by issuing a limited tax improvement bond; and,

WHEREAS, Oregon Revised Statutes Section 223.235(2) limits the principal amount of limited tax improvement bonds to the unpaid balance of all contracts for installment payment of final assessments for the Project, plus the amount necessary to fund any reserves and pay financing costs; and,

WHEREAS, the unpaid balance of contracts for installment payment of final assessments for the Project is not expected to exceed \$1,307,969; and,

WHEREAS, U.S. Bank National Association has proposed to purchase the City's bond for the Project and the City Council finds that a negotiated sale of the bond to that bank is desirable; and,

WHEREAS, the City adopts this Resolution to establish the terms under which it will issue its Limited Tax Improvement Bond (69th Avenue Local Improvement District), Series 2002 to U.S. Bank National Association of Oregon pursuant to Oregon Revised Statutes Chapter 288 and Sections 223.205 to 223.295 to provide long term financing for costs of the District improvement project;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

Section 1. Definitions.

Unless the context clearly requires otherwise, the following capitalized terms shall have the following meanings:

"Assessment Payments" means all amounts required to be paid to the City under all contracts for installment payment of final assessments for the Project, and the net proceeds of foreclosing any such assessments.

"Available General Funds" means all taxes and other legally available general funds of the City.

"Bank" means U.S. Bank National Association or its affiliates.

"Bond" means the City's Limited Tax Improvement Bond (69th Avenue Local Improvement District), Series 2002 which is authorized by this Resolution.

"Code" means the Internal Revenue Code of 1986, as amended.

"Debt Service Fund" means a fund or account, which the City accounts for separately, but which may be commingled with other funds or accounts for investment purposes, into which the City shall deposit all Assessment Payments.

"Director" means the City's Finance Director or the person designated by the Finance Director to act on behalf of the City under this Resolution.

"Event of Default" refers to any of the Events of Default listed in Section 7(A) of this Resolution.

"Project" means the local improvements for which assessments were imposed in the 69th Avenue Local Improvement District.

"Resolution" means this Resolution as it may be amended from time to time in accordance with Section 6.

Section 2. Bond Authorized; Delegation.

A. The City is hereby authorized to issue the Bond to finance the Project. The principal amount of the Bond shall not exceed the amount which of applications to pay Project assessments in installments, plus estimated costs and reserves.

B. Proceeds of the Bond shall be used to refund the Outstanding Note, to pay costs of issuing the Bond and to fund any required reserves.

C. The Director may, on behalf of the City and without further action by the Council:

(1) participate in the preparation of, authorize the distribution of, and deem final any disclosure documents which are required for the Bond;

(2) establish the final principal amounts, maturity schedules, interest rates, sale prices, redemption terms, payment terms and dates, and other terms of the Bond, enter into a bond purchase agreement with the Bank, and sell and deliver the Bond in accordance with that agreement and this Resolution; and,

(4) issue, sell and deliver the Bond, and execute any documents and take any other action in connection with the Project or the Bond which the Director finds is desirable to obtain long term financing for the Project and carry out this Resolution.

D. The Bond shall be in substantially the form attached to this Resolution as Exhibit A, with such changes as may be approved by the Director. The Bond may be printed or typewritten. The Bond shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Director.

Section 3. Security for Bond; Flow of Funds.

(A) The Bond shall be payable primarily from the Assessment Payments. The City hereby pledges the Assessment Payments to pay the Bond. Pursuant to ORS 223.235(5)(c), the lien of the pledge shall be valid, binding and fully perfected from the date of issuance of the Bond. The Assessment Payments shall be immediately subject to the lien without the physical delivery thereof, the filing of any notice or any further act. The lien shall be valid, binding and fully perfected against all persons having claims of any kind against the City or the property assessed whether in tort, contract or otherwise, and irrespective of whether such persons have notice of the lien.

(B) The City hereby pledges its full faith and credit to pay the Bond. The Bond is a limited tax improvement bond of the City, and the City shall pay the Bond from Available General Funds to the extent that Assessment Payments are not sufficient to pay the Bond.

(C) The City shall deposit all Assessment Payments into the Debt Service Fund. So long as the Bond is outstanding, the City shall use amounts deposited in the Debt Service Fund only to pay Bond principal, interest and any redemption premium.

Section 4. Tax Covenants.

The City covenants not to take any action, or omit to take any action, if the taking or omission would cause interest on the Bond to become includable in gross income under the Code. The Director may, on behalf of the City, enter into additional covenants to protect the tax-exempt status of the Bond.

Section 5. Superior and Parity Obligations.

The City covenants not to issue any obligations other than the Bond which have a lien on the Assessment Payments, unless the City obtains the prior written consent of the Bank. The City reserves the right to commit its Available General Funds and taxing power for other purposes without restriction.

Section 6. Amendment of Resolution.

The City may amend this resolution only with the prior written consent of the Bank.

Section 7. Default and Remedies.

(A) The occurrence of one or more of the following shall constitute a Event of Default under this Resolution:

(1) Failure by the City to pay Bond principal, interest or premium when due (whether at maturity, or upon redemption after a Bond has been properly called for redemption);

(2) Failure by the City to observe and perform any covenant, condition or agreement on its part to be observed or performed for the benefit of Bank, for a period of 60 days after written notice to the City by the Bank specifying such failure and requesting that it be remedied; provided however, that if the failure stated in the notice cannot be corrected within such 60 day period, it shall not constitute an Event of Default so long as corrective action is instituted by the City within the 30 day period and diligently pursued, and the default is corrected as promptly as practicable after the City receives the written notice described in this Section 7(A)(2); or,

(3) The City is adjudged insolvent by a court of competent jurisdiction, admits in writing its inability to pay its debts generally as they become due, files a petition in bankruptcy, or consents to the appointment of a receiver for the installment payments.

(B) The Bank may waive any Event of Default and its consequences.

(C) Upon the occurrence and continuance of any Event of Default the Bank may take whatever action may appear necessary or desirable to enforce or to protect any of the rights of the Bank, either at law or in equity or in bankruptcy or otherwise, whether for the specific enforcement of any covenant or agreement contained in this Resolution or in aid of the exercise of any power granted in this Resolution or for the enforcement of any other legal or equitable right vested in the Bank by this Resolution or by law. However, the Bond shall not be subject to acceleration.

(D) No remedy in this Resolution conferred upon or reserved to the Bank is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under

this Resolution or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. To entitle the Bank to exercise any remedy reserved to them, it shall not be necessary to give any notice other than such notice as may be required by this Resolution or by law.

This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT A
(Form of Bond)

No. R-«BondNumber»

\$«PrincipalAmtNumber»

United States of America
State of Oregon
City of Tigard
Limited Tax Improvement Bond
(69th Avenue Local Improvement District)
Series 2002

The City of Tigard, Oregon (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the U.S. Bank National Association (the "Bank"), the principal amount of \$_____ in the following installments, together with interest at the rate of _____Percent Per Annum:

[insert amortization table]

Interest is payable semiannually on the __ day of _____ and _____ of each year, commencing _____, 2002, and shall be computed on the basis of a 360-day year of twelve 30-day months. Payment of each installment of principal or interest shall be made on each payment date to the Bank [insert payment procedure].

[insert redemption provisions]

This Bond is the City's Limited Tax Improvement Bond (69th Avenue Local Improvement District), Series 2002. This Bond is issued to finance a portion of the costs of the City's 69th Avenue Local Improvement District improvement project. This Bond is issued under and pursuant to Resolution No. ____ of the City adopted on June __, 2002 (the "Resolution") and in full and strict accordance and compliance with all of the provisions of the Constitution and Statutes of the State of Oregon and the Charter of the City.

This Bond is a valid and legally binding obligation of the City. The City has granted a first lien on and pledge of the Assessment Payments (as defined in the Resolution) to pay this Bond. The full faith and credit of the City are also pledged for the punctual payment of the principal of and interest on this Bond and the City has covenanted to pay this Bond from its Available General Funds to the extent that the Assessment Payments are not sufficient. This Bond does not constitute a debt or indebtedness of Washington County, the State of Oregon, or any political subdivision thereof other than the City.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this Bond have existed, have happened, and have been performed in due time, form, and manner as required by the Constitution and Statutes of the State of Oregon and the Charter of the City; and that the issue of which this Bond is a part, and all other obligations of the City, are within every debt limitation and other limit prescribed by such Constitution and Statutes and City Charter.

IN WITNESS WHEREOF, the Council of the City of Tigard, Oregon, by Resolution duly passed, has caused this Bond to be signed by its Mayor and countersigned by its Finance Director, all as of the date first above written.

City of Tigard, Oregon

Mayor

Finance Director

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointments to the Budget Committee and Library Board

PREPARED BY: Susan Koepping DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Appointments to the Budget Committee and Library Board

STAFF RECOMMENDATION

Adopt the attached resolution reappointing Mike Benner to the Budget Committee and appointing Tom Woodruff as alternate to the Budget Committee. This resolution also reappoints Jane Smith to the Library Board and Suzan Turley as alternate to the Library Board.

INFORMATION SUMMARY

Attached is a resolution which, if adopted, would approve the reappointment of Mike Benner to a second 3-year term to the Budget Committee. Tom Woodruff would be appointed as alternate to the Budget Committee for 2 years or until he is appointed to the Budget Committee upon the resignation of an existing Budget Committee member. Jane Smith would be reappointed to a second 4-year term of the Library Board, and Suzan Turley would be appointed as alternate to the Library Board for 2 years or until she is appointed to the Library Board upon the resignation of an existing Library Board member.

OTHER ALTERNATIVES CONSIDERED

Delay action of the appointments.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Information on the appointees

FISCAL NOTES

None

I:\ADM\SUSANK\TASKFORC\BUDGET COMM\BENNER WOODRUFF SMITH TURLEY SUMMARY SHEET.DOC

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION REAPPOINTING MIKE BENNER TO THE BUDGET COMMITTEE AND APPOINTING TOM WOODRUFF AS ALTERNATE TO THE BUDGET COMMITTEE AS WELL AS REAPPOINTING JANE SMITH TO THE LIBRARY BOARD AND APPOINTING SUZAN TURLEY AS ALTERNATE TO THE LIBRARY BOARD.

WHEREAS, Mike Benner's 3-year term on the Budget Committee expires June 30, 2002, and he is eligible for 1 more consecutive term, and

WHEREAS, Tom Woodruff has expressed an interest in serving on the Budget Committee, and

WHEREAS, Jane Smith's 4-year term on the Library Board expires June 30, 2002, and she is eligible for 1 more consecutive term, and

WHEREAS, Suzan Turley has expressed on interest in serving the Library Board, and

WHEREAS, the Mayor's Appointments Advisory Committee interviewed candidates for the Budget Committee and Library Board on June 4, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Mike Benner is reappointed for a second 3-year term on the Budget Committee that will expire on June 30, 2005 and Tom Woodruff is appointed as alternate to the Budget Committee for a term that will expire on June 30, 2004 or when he is appointed to the Budget Committee upon the resignation of an existing member.

SECTION 2: Jane Smith is reappointed for a second 4-year term on the Library Board that will expire June 30, 2006 and Suzan Turley is appointed as alternate to the Library Board for a term that will expire on June 30, 2004 or when she is appointed to the Library Board upon the resignation of an existing member.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 02 -__

Appointees for Budget Committee, June 25, 2002

Mike Benner Mike has resided in Tigard for 30 years and lives on Bull Mountain. Mike first volunteered for the City of Tigard when the steam train was here in 1998. Since then he has participated as a CIT facilitator, Community Connector, and helped out at the Balloon Festival. Mike is a business man and sales manager.

Tom Woodruff Tom has lived in Tigard for 4 years and resides not far from Fowler Jr. High. He has a MSW from Portland State University and has worked in the health care field for several years. Past community service activities have included serving on a school board.

Appointees for Library Board, June 25, 2002

Jane Smith Jane has lived in Tigard for over 30 years and resides not far from the site of the new library. Jane is a retired nurse and served in several administrative capacities while working in the Providence Health System. She remains active in several organizations.

Barbara Bennett Peterson, Ph.D. Barbara has lived in Tigard for 3 years and is a professor of history. She has long and varied experience in community service. She was born and raised in Oregon. Libraries, literacy, learning and history are important in her life.

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE AT&T Merger with Comcast

PREPARED BY: Liz Newton DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Consideration of the change of control of AT&T to AT&T/Comcast for cable television services.

STAFF RECOMMENDATION

Adopt the attached ordinance approving the change of control of AT&T to AT&T/Comcast for the provision of cable television services.

INFORMATION SUMMARY

AT&T and Comcast have agreed to merge their companies to create AT&T Comcast Corporation. AT&T has requested the consent of the MACC member jurisdictions for a change of control by filing a Federal Communications Form 394 with MACC as required in Section 17.2 of the franchise agreement. Although the merger must be approved by all of the MACC jurisdictions that have franchises for cable service with AT&T, federal regulations limit the ability of jurisdictions to deny changes of control. The federal criteria for local franchises to review changes of control deal with the legal, technical, and financial ability of the new controlling entity to assure their obligations will be continued.

MACC staff has reviewed the Form 394 and additional information submitted by AT&T and Comcast. A letter of assurance from AT&T was also submitted in which AT&T agrees to abide by the terms and conditions of the franchise and recognizes significant issues of concern. The issues are primarily related to AT&T not meeting customer service standards and delays in the upgrade of the PCN.

On May 9, MACC held a public hearing on the change of control. Following consideration of testimony the commission unanimously adopted Resolution 2002-04 (attached) recommending that the member jurisdictions approve the transfer request.

Attached is an ordinance, which if adopted would approve, with conditions, the change of control.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

- City of Tigard Proposed Ordinance
- Exhibit A to City of Tigard Proposed Ordinance, which is a May 7, 2002 letter from Bruce Crest, MACC Administrator, regarding the merger transaction.
- Exhibit B to City of Tigard Proposed Ordinance, which is MACC's Resolution No. 2002-04, consenting to the merger and recommending member jurisdictions approve the merger.
 - > Attached to Exhibit B is another copy of the May 7, 2002, letter, referenced above as Exhibit A to the City of Tigard's proposed ordinance and is also Exhibit A to the MACC Resolution, which is why this letter is presented twice as an attachment to the ordinance.

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

AN ORDINANCE CONSENTING, WITH CONDITIONS, TO THE CHANGE OF CONTROL OF AT&T CORP., THE INDIRECT PARENT COMPANY OF TCI CABLEVISION OF TUALATIN VALLEY, INC. AND DECLARING AN EMERGENCY.

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC," is an intergovernmental commission formed under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as members; and

WHEREAS, TCI Cablevision of Tualatin Valley, Inc., whose indirect parent company is AT&T Corp., hereinafter "AT&T," is the Grantee under a Cable Television Services Agreement approved by MACC and its member jurisdictions, dated February 1, 1999, hereinafter "Franchise;" and

WHEREAS, AT&T and Comcast have agreed to merge their companies to create the new AT&T Comcast Corporation. AT&T has requested the consent of the MACC member jurisdictions for a change of control, by filing a Federal Communications Form 394 with MACC and with each member jurisdiction thereof, pursuant to Section 17.2 of the Franchise; and

WHEREAS, federal law establishes a procedure and criteria for local franchise authorities to review requests for changes of control to assess the legal, technical, and financial ability of the new controlling entity to assure their obligations will continue to be performed under the terms and conditions of the Franchise, as amended; and

WHEREAS, MACC staff has reviewed the Form 394 from AT&T Corp. and has requested and reviewed certain additional information from both AT&T and Comcast, including assurances made by each entity, in order to assess the legal, technical, and financial qualification of the Grantee to continue to perform as required by the Franchise; and

WHEREAS, MACC held a public hearing on May 9, 2002, wherein it received public testimony and written and electronic communications; and

WHEREAS, MACC has received a letter of assurance from AT&T, wherein AT&T agrees to abide by the terms and conditions of the Franchise as amended and recognizes significant local issues of concern, which letter of assurance is attached hereto as Exhibit A; and

WHEREAS, following consideration of testimony received during the public hearing and the full record of those proceedings, the Commission unanimously adopted Resolution No. 2002-04 recommending approval of the transfer request to its member jurisdictions, attached hereto as Exhibit B; and

WHEREAS, THE City Council deems it to be in furtherance of the public interest and the welfare of its citizens to consent to the transfer request;

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

- SECTION 1: The findings of MACC demonstrate that the applicant's legal, technical, and financial qualifications to perform under the Franchise are adequately assured.
- SECTION 2: The City Council hereby consents to the change of control of AT&T Corp. as set forth in the Federal Communications Form 394, pursuant to Section 17.2 of the Franchise.
- SECTION 3: The consent granted herein shall not take effect until all of the following conditions are met:
- a. Grantee shall continue to comply with all local laws, agreements, and Franchise requirements consistent with applicable federal and state law;
 - b. Each of the members of MACC has approved the Application for the Change of Control by a duly authorized enactment of each jurisdiction's governing body;
 - c. MACC staff's formal written determination that all member jurisdictions have so consented; and
 - d. Completion of the merger, as identified in the Form 394, by midnight, May 10, 2003.
- SECTION 4: The City Manager or his designee are authorized to execute and file a copy of this Resolution with MACC.
- SECTION 5: The City Council finds that it is necessary that this ordinance become effective by July 2, 2002 to meet the deadline established by federal law. Therefore, an emergency is declared to exist, and this ordinance shall take effect immediately upon passage by the City Council, signature by the Mayor and the filing with the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2000.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2000.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

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EXHIBIT A

May 7, 2002

Mr. Bruce Crest
MACC Administrator
1815 NW 169th Place, Suite 6020
Beaverton, OR 97006

RE: FCC Form 394 Filed March 4, 2002 - MACC
AT&T Corp. Merger Transaction

Dear Mr. Crest:

We understand that the Metropolitan Area Communications Commission and its member jurisdictions ("Franchising Authority") have several concerns relating to certain compliance matters under the franchise held by TCI Cablevision of Tualatin Valley, Inc., a.k.a. AT&T Broadband ("Franchisee"). The Franchising Authority has notified Franchisee of its concern that it would not be appropriate to approve a change of control prior to resolution of alleged franchise violations with respect to the following issues. There are two categories of issues needing documentation: first, those issues the Franchisee has received notice of pending violations; and second, those issues that may be noncompliance issues. The issues are more specifically set forth below:

Current pending franchise violations:

- (1) Credit of 30 cents per month for each subscriber whose service has not been upgraded as required under the franchise;
- (2) Franchisee's compliance with franchise customer service standards and requirements, particularly telephone answering violation of 4th Quarter 2001 standard is not yet cured; and
- (3) System design of the Upgraded PCN was not built as required by the Franchise Agreement and serviceability.

Potential noncompliance issues:

- (4) Franchisee's notification that it will not collect or pay franchise fees based on revenues derived from its cable modem Internet service as of April 1, 2002;
- (5) Franchisee's dispute resolution policies and procedures relating to disputes between the subscriber and Franchisee;

- (6) Use of the Franchising Authority's public rights-of-ways, and use of Franchisee's facilities by others within the Franchise Authority's public rights-of-way;
- (7) Franchisee's decision to recover the cost of franchise fees on certain non-residential subscriber revenues from residential subscribers (the so-called "Pasadena pass-through"); and
- (8) Reporting related to the Upgraded PCN regarding system problems (e.g. "trouble tickets").

In order to successfully complete the consent process currently taking place by the Franchising Authority on the change of control of AT&T Broadband and Comcast Corporation ("Merger") by July 2, 2002, as agreed to by the Franchise Authority and the companies, the Franchise Authority and the companies agree to discuss the identified issues towards reaching mutually satisfactory resolutions, separate and independent from the consent process. The parties agree to meet within 120 days from May 9, 2002, and make good faith efforts to resolve the identified issues within six (6) months.

It is understood that the consent to the change of control of this Franchise shall not extinguish the Franchising Authority's right and ability to pursue any remedy against Franchisee available under the Franchise with respect to any compliance issues not mutually resolved. This letter may be referenced in any action taken by the Franchising Authority concerning the proposed change of control or Franchise compliance.

It is also understood and agreed that the Franchising Authority and the Franchisee shall not be deemed or construed to have waived any claims, actions, or defenses with respect to identified issues, or other possible or alleged Franchise violations that remain unresolved.

By signing below the parties acknowledge and agree to the matters described herein above.

By: MACC

By: TCI Cablevision of Tualatin Valley, Inc.

Bruce Crest - Administrator

Curt Henninger - Senior Vice-President

EXHIBIT B

METROPOLITAN AREA COMMUNICATIONS COMMISSION

RESOLUTION NO. 2002- 04

A RESOLUTION CONSENTING TO THE CHANGE OF CONTROL OF AT&T CORP., THE INDIRECT PARENT COMPANY OF TCI CABLEVISION OF TUALATIN VALLEY, INC., WITH CONDITIONS, AND RECOMMENDING APPROVAL OF THE CHANGE OF CONTROL, WITH CONDITIONS, BY THE MACC MEMBER JURISDICTIONS

WHEREAS, the Metropolitan Area Communications Commission, hereinafter "MACC", is an intergovernmental commission formed under ORS Chapter 190, with Washington County and the cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Gaston, Hillsboro, King City, Lake Oswego, North Plains, Rivergrove, Tigard, and Tualatin as members; and

WHEREAS, TCI Cablevision of Tualatin Valley, Inc., whose indirect parent company is AT&T Corp., hereinafter "AT&T", is the Grantee under a Cable Television Services Agreement approved by MACC and its member jurisdictions, dated February 1, 1999, hereinafter "Franchise"; and

WHEREAS, on March 4, 2002, MACC received a Federal Communications Commission ("FCC") Form 394, by which AT&T requested approval by MACC and its member jurisdictions of a change of control. Under the proposal, the ultimate parent of the Grantee will be merged with Comcast Corporation to form a new ultimate parent corporation, AT&T Comcast Corporation; and

WHEREAS, following completion of the transactions forming the change of control, the Grantee will be controlled by AT&T Comcast but will continue to operate the cable system and continue to hold and be responsible for performance of the cable franchise; and

WHEREAS, Federal law and Section 17.2 of the Franchise authorize MACC and its member jurisdictions to review any proposed change, transfer, or acquisition of control, including the proposed transaction, in order to determine the impact on the Grantee's ability to perform the Franchise obligations based on the legal, financial and technical qualifications of the transferee; and

WHEREAS, the Section 17.2 of the Franchise further authorizes MACC and its member jurisdictions to address the resolution of any outstanding issues of noncompliance with the terms and conditions of the Franchise in conjunction with any request for change of control; and

WHEREAS, AT&T Comcast has stated that the Grantee will continue to comply with the lawful terms and provisions of the existing Franchise and agreements following the Merger, and all parent guarantees will remain in place; and

WHEREAS, the Grantee and MACC have, in a separate agreement (attached hereto as Exhibit A), documented the existence of certain relevant issues concerning the Grantee's performance under the Franchise, and the Grantee has committed to exercise good faith efforts to resolve such issues separate and apart from the consent process; and

WHEREAS, MACC staff and consultants have reviewed the proposal pursuant to the above criteria and commitments, and have recommended approval of the proposal, provided certain assurances and considerations are obtained from AT&T in the public interest and contingent on approval by MACC member jurisdictions; and

WHEREAS, the Commission conducted a duly noticed public hearing on May 9, 2002;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE METROPOLITAN AREA COMMUNICATIONS COMMISSION:

Section 1. Commission Action on Form 394 Application.

The Commission hereby approves the Application for Change of Control, as submitted March 4, 2002, subject to the conditions contained herein.

Section 2. Recommendation to Member Jurisdictions.

The Commission hereby recommends that each of the member jurisdictions approve the Application for Change of Control by duly authorized enactment of each jurisdiction's governing body, subject to the conditions set forth in Section 3, below.

Section 3. Conditions

A. The approval recommended herein shall not take effect until such time as each of the following conditions are met:

- 1) MACC and its member jurisdictions' consent to the change of control shall not be construed to constitute a waiver or release of any rights they may have under the Franchise and any separate written agreements with the Grantee; and
- 2) Grantee shall continue to comply with all valid local laws, agreements, and Franchise requirements consistent with applicable federal and state law; and
- 3) Grantee and the Guarantor of the Franchise acknowledge the conditions of transfer approval in writing; and

- 4) Each of the members of MACC has approved the Application for Change of Control by duly authorized enactment of each jurisdiction's governing body; and
- 5) The merger transaction between AT&T Corp. and Comcast Corporation shall close consistent with the terms identified in the Form 394 and the supplemental information provided by the Grantee through the request for information process undertaken by MACC.

B. Approval of the Change of Control will be null and void if the merger transaction between AT&T Broadband and Comcast Corporation does not close by midnight, May 10, 2003.

**ADOPTED BY THE BOARD OF THE METROPOLITAN AREA
COMMUNICATIONS COMMISSION** this 9th day of May, 2002.

A handwritten signature in black ink, appearing to read "Dean Gibbs", is written over a horizontal line.

Dean Gibbs, Chair

Attachment: Exhibit A

EXHIBIT A TO MACC RESOLUTION 2002-04

May 7, 2002

Mr. Bruce Crest
MACC Administrator
1815 NW 169th Place, Suite 6020
Beaverton, OR 97006

RE: FCC Form 394 Filed March 4, 2002 - MACC
AT&T Corp. Merger Transaction

Dear Mr. Crest:

We understand that the Metropolitan Area Communications Commission and its member jurisdictions ("Franchising Authority") have several concerns relating to certain compliance matters under the franchise held by TCI Cablevision of Tualatin Valley, Inc., a.k.a. AT&T Broadband ("Franchisee"). The Franchising Authority has notified Franchisee of its concern that it would not be appropriate to approve a change of control prior to resolution of alleged franchise violations with respect to the following issues. There are two categories of issues needing documentation: first, those issues the Franchisee has received notice of pending violations; and second, those issues that may be noncompliance issues. The issues are more specifically set forth below:

Current pending franchise violations:

- (1) Credit of 30 cents per month for each subscriber whose service has not been upgraded as required under the franchise;
- (2) Franchisee's compliance with franchise customer service standards and requirements, particularly telephone answering violation of 4th Quarter 2001 standard is not yet cured; and
- (3) System design of the Upgraded PCN was not built as required by the Franchise Agreement and serviceability.

Potential noncompliance issues:

- (4) Franchisee's notification that it will not collect or pay franchise fees based on revenues derived from its cable modem Internet service as of April 1, 2002;
- (5) Franchisee's dispute resolution policies and procedures relating to disputes between the subscriber and Franchisee;

Mr. Bruce Crest
May 6, 2002
Page 2

- (6) Use of the Franchising Authority's public rights-of-ways, and use of Franchisee's facilities by others within the Franchise Authority's public rights-of-way;
- (7) Franchisee's decision to recover the cost of franchise fees on certain non-residential subscriber revenues from residential subscribers (the so-called "Pasadena pass-through"); and
- (8) Reporting related to the Upgraded PCN regarding system problems (e.g. "trouble tickets").

In order to successfully complete the consent process currently taking place by the Franchising Authority on the change of control of AT&T Broadband and Comcast Corporation ("Merger") by July 2, 2002, as agreed to by the Franchise Authority and the companies, the Franchise Authority and the companies agree to discuss the identified issues towards reaching mutually satisfactory resolutions, separate and independent from the consent process. The parties agree to meet within 120 days from May 9, 2002, and make good faith efforts to resolve the identified issues within six (6) months.

It is understood that the consent to the change of control of this Franchise shall not extinguish the Franchising Authority's right and ability to pursue any remedy against Franchisee available under the Franchise with respect to any compliance issues not mutually resolved. This letter may be referenced in any action taken by the Franchising Authority concerning the proposed change of control or Franchise compliance.

It is also understood and agreed that the Franchising Authority and the Franchisee shall not be deemed or construed to have waived any claims, actions, or defenses with respect to identified issues, or other possible or alleged Franchise violations that remain unresolved.

By signing below the parties acknowledge and agree to the matters described herein above.

By: MACC

By: TCI Cablevision of Tualatin Valley, Inc.

Bruce Crest - Administrator

Curt Henninger - Senior Vice-President

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Skateboard Park Facility Update

PREPARED BY: Dan Plaza DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Provide presentation on Skateboard Park Task Force update.

STAFF RECOMMENDATION

Informational only

INFORMATION SUMMARY

The Mayor's Skateboard Park Task Force has conducted many meetings since its inception. The Council, at their January 15 meeting gave their unanimous consensus to provide the Task Force with \$20,000 in seed money to hire a design consultant and to cover some of the initial costs of the Task Force. There have been several meetings focusing on a conceptual design for skateboard facility. At the City Council's May 14 meeting the Council approved the hiring of Purkiss Rose, RSI, a design consultant, to prepare a conceptual design and a preliminary cost estimate. The first meeting between the consultant and the users will be on June 13. The 2nd meeting will be set at the 1st meeting and the third meeting will be conducted in September, after school begins. The product of this design process will be a conceptual design and cost estimate for a skateboard park facility which can be adapted to any given permanent site location.

Fund-raising efforts have primarily been focused on a Logo contest. The logo will be used on t-shirts that will be sold to raise funds.

The site selection committee has been very busy looking for a site for the skateboard facility. They have looked at various potential sites including a utility site, a school site and a park site as well as private properties. On May 9, the Task Force met with Summerlake Park residents to discuss the possibility of locating a skateboard facility at Summerlake Park. The residents repeated their objections to a skateboard facility made during the Summerlake Park Master Plan process.

The Task Force Chair, Rich Carlson and city staff scheduled a meeting with the School District Superintendent on June 12 to discuss the availability of school district property being utilized for a skateboard facility. The Task Force plans to discuss with City Council the possibility of future City involvement with the Skateboard Park project. If the Task Force is not able to locate the skateboard facility on school district property, and they are unable to find an

other suitable location, the Task Force will want to discuss with Council the City's willingness to purchase land for the facility and/or to provide long-term operations and maintenance for the facility.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Urban and Public Services, Recreation #1, “ providing opportunities for the Tigard community.”
Parks and Greenways #2, Strategy, “acquire and develop park land.”

ATTACHMENT LIST

N/A

FISCAL NOTES

Council approved the Task Force's request for \$20,000 in seed money for the provision of design services and to cover some of the Task Force's initial costs. Funds for additional design services for site selection, final skateboard facility design, and land acquisition are funded in the 'FY '02-'03 Parks SDC fund and is listed in the CIP of the Parks System Master Plan.

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Bonita Park Master Plan

PREPARED BY: Dan Plaza DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Council is being asked to accept the Bonita Park Master Plan and select one of the following names sent forward to Council by those in attendance at the Master Plan community meeting:

- Bonita Park
- Camasia Park
- Patriot or Patriotic Park

STAFF RECOMMENDATION

Staff recommends that the Council accept the Bonita Park Master Plan, and select a name for the park.

INFORMATION SUMMARY

On May 14, 2002, Council authorized the Mayor to sign an agreement accepting \$140,400 in Community Development Block Grant (CDBG) funds to partially finance the development of a new neighborhood park on 5.5 acres located along Milton Court at Bonita Road. The park is primarily intended to serve the outdoor recreation needs and improve the quality of life of the residents of the three low-income apartment complexes located nearby. The project is identified in the Tigard Park System Master Plan and in the Tigard Beyond Tomorrow Community Vision report.

The site is an undeveloped, lineal-shaped City-owned parcel. It slopes very gradually from Milton Court on the east to the top of the bank of Fanno Creek on the western edge of the site. The creek lies in a deeply incised channel six to ten feet below the surrounding parkland. In years past, the installation of utilities and the storage of construction materials has disturbed much of the site's natural vegetation. The densely vegetated 13-acre Brown-McDonald Metro Greenspace property borders the park on the north.

The City held two public involvement workshops in May to help design the park. Bilingual (English-Spanish) meeting notices were delivered to all residents within the apartment complexes. Notices also were delivered to all the business located along Milton Court opposite the park site.

The firm of Percival and Shapiro has developed a concept plan for the new park based on the community meeting results, staff comments, the proposed budget, and the physical characteristics of the site. Staff comments included those by the Police Public Information Officer concerning park safety and security. As depicted in the concept plan map, proposed improvements include a children's play structure, paved basketball

courts, and an informal, open space playfield. An illuminated crosswalk on Bonita Road, to provide children a safe place to cross the street, also is part of the project.

The next steps in the park development process include preliminary engineering and permitting, followed by spring 2003 construction with completion scheduled for June 30, 2003.

The process for recommending names for the park was as follows:

1. During the first Park Master Plan meeting held on May 2, those in attendance were asked to consider names for the park and present them at the second Park Master Plan meeting held on May 23rd
2. Nearby residents and citizens at-large brainstormed and listed five names to be considered by the group
3. Group then narrowed the list to three names, each of which were acceptable to the group – therefore, no one name was recommended by the staff
4. Group then decided that the three names from the list of five names be sent forward to be considered by the City Council.

The City has a park naming policy that is aimed particularly at memorializing individuals or groups. The policy, which addresses this nomination, is located in Resolution 99-37, entitled “A Resolution Establishing a Policy of the City Council on Placing Memorials in City Parks.” The section, which is germane to this nomination, is Section 3, which states, “In addition, the City Council, on its own motion, may consider naming a building or park.” (Copy attached)

OTHER ALTERNATIVES CONSIDERED

Council not accept the Bonita Park Master Plan.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Urban and Public Services, Recreation #1, “...providing opportunities for the Tigard Community.”
Parks and Greenways #2, Strategy, “Acquire and develop park land.”

ATTACHMENT LIST

1. Selection list of names to consider when naming the park
2. Excerpt from Resolution 99-37 pertaining to the naming of parks.

FISCAL NOTES

Funds are available from a Community Development Block Grant totaling \$140,400, \$35,000 from Parks SDC's and Engineering funds, and \$3,000 from the City's Tree Replacement Fund.

RECOMMENDED NAMES

(No prioritization intended)

1. **Bonita Park** – after name of road and area of City. Bonita means “beautiful” in Spanish.
2. **Camasia Park** – after the Latin name for the uncommon native plant found on the site.
3. **Patriot Park or Patriotic Park** – “in memory of all Americans who embrace the gifts of freedom and peace and especially those who have suffered as a result of pursuing those ideals”.

Patriota Park – is Spanish for Patriot

Patriotico Park – is Spanish for Patriotic

such requests shall be made by the City Council. Council approval is needed. Guidelines regarding signage shall be adopted by Council based on recommendations made by the Parks Division.

The standards that the Parks Division will follow in regard to signage will be kept on record at the Public Works office. Examples of suitable signage will be available for public viewing.

1. Naming of buildings and park properties – City buildings and park properties may be named to honor individuals or groups. Interested parties shall submit a written request to the Tigard City Council regarding the property or building which they are interested in having Council name in honor of an individual or group. In addition, the City Council on its own motion, may consider naming a building or park. This type of memorial requires extensive review and Council approval in the form of a resolution. City staff will deal with guidelines for Council consideration.

The standards that the Parks Division will follow in regard to signage will be kept on record at the Public Works office. Examples of suitable signage will be available for public viewing.



BONITA PARK SCHEMATIC DESIGN

Tigard, Oregon
May 22, 2002



AGENDA ITEM # _____
FOR AGENDA OF 6/25/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Summerlake Park Master Plan

PREPARED BY: Dan Plaza DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Accept Summerlake Park Master Plan

STAFF RECOMMENDATION

Staff recommends City Council accepts the Summerlake Park Master Plan.

INFORMATION SUMMARY

Summerlake Park, a 24-acre community park, is located at 11450 SW Winterlake Drive. On November 16, 1999 at a Council workshop the City Council decided to put the Summerlake Park Master Plan process on hold. It was put on hold as a result of cost and environmental concerns about the management of Summer Lake. A Summer Lake Task Force was created and a final report with recommendations was completed. City Council received the plan and it has been placed on hold pending State/Federal regulation mandates. The Council decided to move ahead with the Park Master Plan looking only at the portion of Summerlake Park that lies south of the lake. When management of Summer Lake has been resolved, it will be possible to proceed with plans that address the water's edge on both the north and south sides of the lake. Further, it was decided that any project(s) that arise from the Summer Lake Task Force recommendations, pertaining to the management of Summer Lake, will be funded through Water Quality funds and through funds provided through Clean Water Services (Unified Sewerage Agency-USA).

On March 13, 2001 the City Council directed staff to resume preparation of the Summerlake Park Master Plan. There have been four (4) Park Master Plan public input meetings pertaining to the Summerlake Park Master Plan (September 30, 1999, November 18, 1999, October 4, 2001 and December 5, 2001). Approximately twenty-five (25) people attended each meeting. The master plan public input process has been completed and has resulted in the development of the proposed Summerlake Park Master Plan before Council. On May 9, 2002 a joint meeting was held between the Mayor's Skateboard Park Task Force and residents of the Summerlake Park neighborhood. The Task Force called for the meeting to discuss the possibility of a skateboard facility being located at Summerlake Park. The residents repeated their objections to a skateboard facility made during the Summerlake Park Master Plan process.

The first project, if accepted by Council, will be the addition of an off-leash dog area. The development of the rest of the park, if accepted by Council, will begin in FY 2003/04. The remaining projects include:

- Site preparation
- Irrigation systems,
- Renovation of the existing ball field
- Parking
- Children's playgrounds
- Waterplay area
- Pathways
- Covered picnic tables
- Landscaping
- Restroom
- Maintenance building

Estimated cost for completion of the master plan is \$801,020 (does not include maintenance building).

The Master Plan being presented to Council has the support of those participating in the Master Plan process. As stated above the only unresolved issue at the present time is the management of Summer Lake and the funding of any project(s) that arise from the Summer Lake Task Force's recommendations.

OTHER ALTERNATIVES CONSIDERED

Council not accepts the Summerlake Park Master Plan.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

City Council Goal # 2. Parks and Recreation. "complete master plans for city parks (Summerlake Park...)" and the City's Vision Task Force Goal #2 states, "complete implementation of the Summerlake Park Master Plan".

ATTACHMENT LIST

N/A

FISCAL NOTES

No additional funds are necessary to complete the final draft of the proposed Summerlake Park Master Plan. Development of this park will, more than likely, be done in phases. Funding for the development projects are projected to come from the Parks SDC Fund.



MIG, Inc.
412 NW 13th Avenue
Portland, Oregon, 97212
Phone: 503-297-1005
Fax: 503-297-3195
www.migcom.com

Draft Master Plan SUMMERLAKE PARK

CITY OF TIGARD
13125 SW Hall Boulevard
Tigard, Oregon 97223
Phone: 503-639-4171
<http://www.ci.tigard.or.us>

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Cultural Institution Zone Ordinance Amendment (ZOA2002-00002)

PREPARED BY: Brad Kilby DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the Council approve a requested Zone Ordinance Amendment to allow cultural institutions to be conditional uses within the R-12 Zoning District?

STAFF RECOMMENDATION

Staff recommends approving the requested Zone Ordinance Amendment as presented by motion by the City of Tigard Planning Commission.

INFORMATION SUMMARY

In December of 2001, the Tigard City Council voted unanimously to place a \$13 million dollar bond measure on the May 21, 2002 ballot to provide funding to build a new library. The Council also approved an option to purchase a 14.7 acre property located on SW Hall Blvd. near SW O'Mara Street for siting the new library. On May 21, 2002, the Tigard citizens voted to approve the bond. In response to both actions the City staff has been pursuing a Zone Ordinance Amendment to conditionally allow cultural institutions into the R-12 zoning district. At a May 20th public hearing, the Tigard Planning Commission voted unanimously to recommend approval of the amendment to the Tigard City Council.

Attached as “**Attachment 1**” is the ordinance adopting the proposal. The Planning Commission recommendation and meeting minutes are attached as “**Attachment 2**”.

OTHER ALTERNATIVES CONSIDERED

Deny the request or approve it with revisions.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

1. “Community Character and Quality of Life”- Develop strategies to balance needs of new and infill development with need to provide preservation and protection of open space, natural areas, and other defined aesthetic qualities valued by those who already live and work in Tigard.

-
2. “Urban and Public Services”- Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.
-

ATTACHMENT LIST

Attachment 1: Ordinance adopting the code amendments

Exhibit A: Proposed language Changes

Attachment 2: 5/20/02 “Draft” Planning Commission Meeting Minutes.

Attachment 3: Staff Report to the Planning Commission (**including Exhibit A**)

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON

ORDINANCE NO. 02-

A ZONE ORDINANCE AMENDMENT (ZOA2002-00002) TO AMEND THE LANGUAGE OF THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.510 (TABLE 18.510.1) TO CONDITIONALLY PERMIT CULTURAL INSTITUTIONS IN THE R-12 ZONING DISTRICT.

WHEREAS, the applicant requested a Zone Ordinance Amendment to allow cultural institutions to be conditionally permitted within the R-12 zoning classification; and

WHEREAS, the City of Tigard Planning Commission held a public hearing on May 20, 2002 and recommended approval of the proposed amendment by motion and a unanimous vote in favor of the recommendation; and

WHEREAS, the City Council held a public hearing on the request on June 25, 2002 and indicated they were supportive of the proposed zone change and directed staff to prepare language and an Ordinance for Council review and approval; and

WHEREAS, the City Council has considered the applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the City Council has found the following to be the only applicable review criteria: Community Development Code Chapters 18.380, 18.390 and 18.510, Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 2.1.3, 5.1, and 12.2.1, and Statewide Planning Goals 1, 8, 9, 10, and 11; and

WHEREAS, the City Council has determined that the proposed zone ordinance amendment is consistent with the applicable review criteria and that approving the request would be in the best interest of the City of Tigard,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The specific text amendments attached as "EXHIBIT A" to this Ordinance are hereby adopted and approved by the City Council.

SECTION: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2002.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2002.

James E. Griffith, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT “A”

PROPOSED COMMUNITY DEVELOPMENT CODE LANGUAGE CHANGE

Strike-out: Text being deleted
Shading: Text being added

**TABLE 18.510.1
USE TABLE**

USE CATEGORY								
CIVIC (INSTITUTIONAL)	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Cultural Institutions	N	N	C	C	C	NC	N	N

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
May 20, 2002**

1. CALL TO ORDER

President Padgett called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

2. ROLL CALL

Commissioners Present: President Padgett; Commissioners Anderson, Bienerth, Buehner, Mores, Munro, Scholar, and Webb

Commissioners Absent: Commissioner Sutton, Alternate Wolch

Staff Present: Dick Bewersdorff, Planning Manager; Brad Kilby, Associate Planner; Gus Duenas, City Engineer; Jerree Gaynor, Planning Commission Secretary

3. PLANNING COMMISSION COMMUNICATIONS

None

4. APPROVE MEETING MINUTES

Commissioner Buehner moved and Commissioner Scholar seconded the motion to approve the April 22, 2002, meeting minutes as submitted. The motion passed by a vote of 7-0. Commissioner Munro abstained.

5.1 ZONE ORDINANCE AMENDMENT (ZOA) 2002-00002 CULTURAL INSTITUTIONS CODE AMENDMENT

REQUEST: A request to amend Table 18.510.1 of the Tigard Development Code to allow cultural institutions to be allowed as a conditional use within the R-12 zoning district.

LOCATION: Citywide. **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 8, 9, 10 and 11; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, 2.1.3, 5.1 and 12.4.1; and Community Development Code Chapters 18.380, 18.390 and 18.510.

- a) President Padgett opened the public hearing.
- b) Associate Planner Brad Kilby presented the staff report, advising that staff recommends the Planning Commission forward a recommendation of approval to City Council.
- c) Public Testimony – none
- d) President Padgett closed the public hearing.
- e) The matter was discussed briefly by the Planning Commission. Commissioner Buehner thought it might be useful to specify a percentage that might be used for an accessory use. Staff responded that code language would have to be amended to make that change and, also, that it would be difficult to administer.

Commissioners Anderson and Sclar were in favor of permitting cultural institutions conditionally in all residential zones. Staff was concerned about allowing it in all residential zones because of the limited amount of R-25 land available and that it may not be appropriate for large-lot single family neighborhoods.

- f) Motion by Commissioner Anderson to recommend to City Council to approve the amendment to the R-12 zoning district to conditionally allow cultural institutions, based on the staff report and no testimony, seconded by Commissioner Mores.

The motion was approved unanimously.

5.2 2002/2003 CAPITAL IMPROVEMENT PROGRAM

- a) City Engineer Gus Duenas gave a PowerPoint presentation on the 02/03 Capital Improvement Program (Exhibit A). He noted that the Planning Commission would be forwarding a recommendation to Council. The City Council public hearing is scheduled for June.
- b) Public Testimony – none
- c) The matter was discussed by the Commission. President Padgett advised that he is opposed to the library construction in the CIP because people in the unincorporated area surrounding us don't pay anything towards the construction of the new library. Although the County contributes an amount to the City for operation of the library, it has nothing to do with construction. He believes that everybody who benefits from the library should share equally in the construction.
- d) Motion by Commissioner Sclar to recommend to City Council to approve the 2002-2003 Capital Improvement Program as submitted, seconded by Commissioner Munro.

The motion was approved by a vote of 7-1. Commissioners Anderson, Bienerth, Buehner, Mores, Munro, Sclar, and Webb voted yes; President Padgett voted no.

6. OTHER BUSINESS

June meetings will be held June 3rd and June 17th.

Commissioner Buehner asked why there were no street improvements required for the Blue Heron subdivision on Walnut Street. Staff responded that Washington County would be making improvements on Walnut Street as part of the MSTIP.

7. ADJOURNMENT

The meeting adjourned at 8:27 p.m.

Jerree Gaynor, Planning Commission Secretary

ATTEST: President Mark Padgett

STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON



SECTION I. APPLICATION SUMMARY

CASE NAME: CODE AMENDMENT TO ALLOW CULTURAL INSTITUTIONS TO BE
CONDITIONALLY SITED WITHIN THE R-12 ZONING DISTRICT

CASE NO.: Zone Ordinance Amendment (ZOA) ZOA2002-00002

PROPOSAL: To amend the Tigard Development Code to allow Cultural Institutions to be conditionally located within the R-12 zoning district. Cultural Institutions are classified within the Tigard Development Code as public or non-profit cultural facilities including libraries, museums and galleries.

APPLICANT: City of Tigard
Attn: Brad Kilby
13125 SW Hall Blvd
Tigard, OR 97223

ZONE: R-12; Medium-Density Residential.

LOCATION: Citywide.

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380, 18.390 and 18.510; Comprehensive Plan Policies 1.1.1, 2.1.1, 2.1.2, and 2.1.3, 5.1, and 12.2.1; and Statewide Planning Goals 1,8,9,10, and 11.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission amend the R-12 Zoning District to conditionally allow cultural institutions as determined through the public hearing process and make a recommendation for **APPROVAL** to the Tigard City Council.

SECTION III. BACKGROUND INFORMATION

In 1999, the City of Tigard began investigating the possibility of expanding the existing library to accommodate more users. The City formed a library construction committee, which was composed primarily of Tigard citizens to discuss the need for, location, and projected costs of the project. The existing library was unable to expand because of structural, space, and environmental limitations. The Committee realized the need for the library to stay within close proximity to existing government services and identified a site directly across the street from the existing City Hall campus.

In December of 2001, the Tigard City Council voted unanimously to place a \$13 million dollar bond measure on the May 21, 2002 ballot to provide funding to build a new two-story, 47,000 square foot library. The Council also approved an option to purchase a 14.7 acre property located on SW Hall Blvd. near SW O'Mara Street where the new library would be built if the bond measure passes.

The subject property is zoned R-12, which does not permit cultural institutions. The proposed amendment would change the Tigard Development Code (TDC) to allow cultural institutions as a conditional use to be located on all lands designated R-12.

SECTION IV. SUMMARY OF APPLICABLE CRITERIA

Chapter 18.380 states that legislative text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.

Chapter 18.390.060G states that the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

- ♦ **The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**

Notice was provided to DLCD 45 days prior to the first scheduled public hearing as required. In addition, the Tigard Development Code and Comprehensive Plan have been acknowledged by DLCD. The following are the applicable Statewide Planning Goals that are applicable to this proposal:

Statewide Planning Goals

Goal 1: Citizen Involvement:

The City of Tigard has a strong citizen component to its government. Citizen Involvement Teams meet in an open public forum each month to discuss City business. The meetings are informal and give the citizens the opportunity to discuss issues that affect their daily lives with the City Staff. The CIT meetings are broadcast live over a public television station.

The City publishes a monthly newsletter to make the citizens aware of new projects and issues that may affect their daily lives. The newsletter is available throughout the City of Tigard and is mailed with the City's utility bills.

Each of the methods discussed above exceeds the notification requirement to publish in the local newspaper, as required by the state statute prior to public hearings and open houses.

Goal 8: Recreational Needs

The proposed amendment will allow cultural institutions to be located within areas that have medium residential densities. These are areas that have a higher demand for cultural opportunities and would, therefore, affirm the state goal of providing for these needs. Staff has determined that Cultural needs and recreational needs are different, therefore, this goal is not affected at all.

Goal 9: Economic Development

This proposal advances this goal by providing opportunities for more amenities to be located within the community and thus making the City of Tigard more attractive for businesses. This proposal does not affect the supply of land available for commercial or industrial uses.

Goal 10: Housing

Although locating cultural institutions within existing residential areas will reduce the amount of land available for housing, the impacts are mitigated through the Site Development Review and Conditional Use process.

Goal 11: Public Facilities and Services

Allowing cultural institutions within residential zones will off-set the burden placed on residential properties through improvement districts by encouraging new development in and around these institutions on properties that may otherwise remain underutilized.

Federal or state statutes or regulations found applicable

There is no known federal or state statutes that may be adversely affected by this proposal as land use and facility planning are administered through plans that reflect such statutes.

Applicable Metro regulations

The Metro Housing Rule OAR660-07 assures opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan (Metro) urban growth boundary. The rule mandates that the City of Tigard accommodates ten units to the acre on average. Our 2017 capacity of 6,073 units was increased to over 6,308 units with the implementation of the Washington Square Regional Center. This capacity is determined by assuming that all of the available residential land is developed at minimum density. Development within Tigard is currently meeting or exceeding the minimum prescribed density. The library project would theoretically displace 127 units not counting the land that would be deducted for roads and sensitive areas. There are many uses that are conditionally allowed within residential zones, and there remains the opportunity for density bonuses in some instances. It is highly unlikely that this amendment will in any manner decrease the available land for housing beyond that necessary to achieve the target capacity.

Applicable Comprehensive Plan Policies:**Policy 1.1.1 (a and c)**

- a. **The proposal is consistent with this policy in that it is consistent with the statewide planning goals and the Metro Regional Plan as discussed previously.**
- c. **The proposal will also ensure that the community development code is kept current with the needs of the community.**

Policy 2.1.1, 2.1.2, and 2.1.3 (Citizen Involvement)

As stated in the previous discussion of the State Land Use Goal #1, this proposal advances this policy in that it will have a citizen involvement component inherently attached through public meetings, hearings, and legal notices. The proposal is reviewed as a Type IV project, which entails a minimum of two public hearings, in addition to the required notices. All information is relayed to the public in an understandable format, and staff is always available to clarify any confusion.

Policy 5.1 (Economic Development)

This proposal will promote growth of the local job market by providing more opportunities for cultural institutions to locate throughout the City and thus providing more marketable amenities for prospective employers looking to relocate.

Policy 12.4.1 (Location of Community Facilities)

Cultural facilities are labeled Medium Impact facilities within the Tigard Comprehensive Plan. As such, they will be reviewed for consistency with this policy as they are applied for. Medium Residential uses and Medium Impact facility siting criteria within the Tigard Comprehensive Plan share many of the same characteristics.

Applicable provisions of the City's implementing ordinances

The only known provision that would be affected is the very same provision that is proposed to be amended.

Any applicable provision of the City's implementing ordinances.

Code Section 18.380:

This section regulates amendments. It outlines the process for reviewing Development Code Text Amendments. The present amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter.

Code Section 18.390:

This chapter establishes standard decision-making procedures for reviewing applications. The amendment under consideration will be reviewed under the Type IV legislative procedure as detailed in the chapter.

Code Section 18.510:

This chapter establishes the development standards for residential zoning districts. The current amendment will not affect any of these standards as the proposal calls for conditional use review for any Cultural Institution that is proposed.

SECTION V. STAFF ANALYSIS

Cultural Institutions are undeniably essential to the infrastructure of the City and its citizens. Staff conducted a survey of surrounding jurisdictions including Beaverton, Hillsboro, Sherwood, Tualatin, and West Linn. Every jurisdiction surveyed permits libraries and similar governmental facilities conditionally in all of their residential zones. Staff is confident that the impacts associated with Cultural Institutions can be adequately offset by mitigation imposed at the time of conditional use review. Cultural Institutions that are academic in nature should not be prohibited from any residential neighborhood, as all citizens can benefit from such use.

SECTION VI. OTHER ALTERNATIVES

- ♦ Leave the code as is.
- ♦ Permit Cultural Institutions conditionally in all residential zones.
- ♦ Permit Cultural Institutions outright in all residential zones.

SECTION VII. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS

The Tualatin Valley Fire and Rescue Department has had an opportunity to review this proposal and has found that the proposal does not conflict with their interests.

The City of Tigard Engineering Department has had an opportunity to review this proposal and have no objections.

The City of Tigard Building Division has had an opportunity to review this proposal and have no objections.

The City of Tigard Public Works and Operations Department has had an opportunity to review this proposal and have no objections.

The City of Tigard Police Department has had an opportunity to review this proposal and have no objections.

Clean Water Services has had an opportunity to review this proposal and have no objections.

Washington County Department of Land Use and Transportation, DLCD, Tualatin Valley Water District, and Metro Land use and Planning Growth Management have all had an opportunity to review this proposal and have offered no comments or objections to the proposed Zone Ordinance Amendment.

ATTACHMENT

Exhibit A – Proposed Amendments to CDC Chapter 18.510, Table 18.510.1.

PREPARED BY: Brad Kilby
Associate Planner

May 2, 2002
DATE

APPROVED BY: Richard Bewersdorff
Planning Manager

May 2, 2002
DATE

EXHIBIT “A”

PROPOSED COMMUNITY DEVELOPMENT CODE LANGUAGE CHANGE

Strike-out: Text being deleted
Shading: Text being added

**TABLE 18.510.1
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
CIVIC (INSTITUTIONAL) Cultural Institutions	N	N	C	C	C	NC	N	N

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Water Rate Adjustment – 3 Year Plan

PREPARED BY: Dennis Koellermeier DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall the City Council amend the current water rate schedule and adopt a 3-year rate schedule that reflects the increases in costs associated with providing water service?

STAFF RECOMMENDATION

City Council approve the attached Resolution amending current water rates.

INFORMATION SUMMARY

Chapter 12.10.130 of the Tigard Municipal Code provides that fees and charges for water and water related services be established by Resolution of the City Council

The City commissioned a water rate study in 1999 at the request of the Intergovernmental Water Board (IWB). The results of that study indicated that significant increases in water rates were necessary to pay all capital, operational, maintenance, and administrative costs of the water system. The rate study recommended significant rate increases to meet anticipated expenses. The increases, beginning in FY 2000/01, were to be annual increases of 10%, 12%, 12%, 8% and 8%. Due to the proposed Taxpayers Protection Initiative on the November 2000 ballot, Rates were increased 3% in 2000. In 2001 rates were adjusted 15.5%. Thus, by July 1, 2002, the City finds itself approximately 3.5% behind its recommended schedule, and facing 28% worth of increases in the coming 3 years.

The Public Works and Finance Department staff have reviewed the financial plan including the major factors or components to the rate model. We have concluded that the original model recommendations remain valid and should be accomplished. The major factor driving the revenue needs for the Water Fund, continue to be increasing unit costs and volumes needed of wholesale water purchased and funding our \$40.7 Million Capital Improvement Plan.

An additional and currently non-resolved issue is the impacts of the successful Tigard/Tualatin School District Bond Levy and the timing of the construction of certain Water capital improvement projects. Specifically, the School District has granted the City permission to construct a buried water reservoir (550-foot Reservoir #2) on the site of the proposed Alberta Rider School property located on Bull Mountain Road. This reservoir needs to be permitted and built in conjunction with the school project, to avoid safety and operational issues at the school. If this school is built soon, the City will need to re-prioritize its CIP and construct a group of projects estimated to cost \$8.84 million dollars. To accomplish this the City will need to issue water revenue bonds, probably within the next 12 months. The impacts of this bond sale could cause the need for an additional rate adjustment.

In an effort to minimize the impacts of these rate increases on our customers we are proposing two strategies. The first strategy is to move the effective date for water rate increases to the fall, after the heavy consumption periods of summer have ended. The second strategy is to adopt a three year rate plan that moves us back onto the rate model schedule over a longer time period. We are recommending a 3 year rate plan that will adjust rates, beginning this October 1, 2002 by 10%, then 6% each the following two years.

Water rate charges, including customer charges and booster charges, are as follows:

	Current Rate 2001/02	Proposed Rate Increase 10% 2002/03	Proposed Rate Increase 6% 2003/04	Proposed Rate Increase 6% 2004/05
Customer Charge	\$4.00/billing period	\$4.40/billing period	\$4.66/billing period	\$4.94/billing period
Booster Charge	\$3.54/billing period	\$3.89/billing period	\$4.12/billing period	\$4.37/billing period
Residential	\$1.56 per CCF	\$1.71 per CCF	\$1.81 per CCF	\$1.92 per CCF
Multi-Family	\$1.54 per CCF	\$1.69 per CCF	\$2.04 per CCF	\$2.16 per CCF
Commercial	\$1.81 per CCF	\$1.99 per CCF	\$2.11 per CCF	\$2.24 per CCF
Industrial	\$1.50 per CCF	\$1.65 per CCF	\$1.75 per CCF	\$1.86 per CCF
Irrigation	\$1.93 per CCF	\$2.12 per CCF	\$2.25 per CCF	\$2.39 per CCF

OTHER ALTERNATIVES CONSIDERED

- Do not increase rates, which will cause a depletion of capital reserves
- Increase rates greater than the recommended 10%, 6% , 6% recommendation

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The current update process for “Tigard beyond Tomorrow “, Urban and Public Services, Water and stormwater Goal lists a specific strategy of funding the first five years of construction projects identified in the Water Distribution System Hydraulic Study at an estimated cost of \$7.6 million dollars. These projects include both System Development fee funding as well as water rate revenue.

ATTACHMENT LIST

- Resolution
- Exhibit A attachment

FISCAL NOTES

The proposed rate increases are consistent with revenue projections anticipated in the recently adopted FY 2002/03 budget.

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION AMENDING RESOLUTION 02-06 BY AMENDING EXHIBIT A
THERE TO AND INCREASING CERTAIN CHARGES IMPOSED FOR WATER SERVICE

WHEREAS, Section 12.10.130 of the Tigard Municipal Code provides that fees and charges for water and water-related services shall be established by resolution of the City Council; and

WHEREAS, the current water rates are those set by Resolution No. 02-06 as shown in Exhibit A to that resolution; and

WHEREAS, the City Council finds that the existing water rates, together with other dedicated funding sources, do not fully cover the City's costs associated with providing water service, including capital, operations, maintenance and administrative costs of the water system and that a rate increase is therefore needed;

WHEREAS, the City's costs are rising steadily and the City is able to project its costs through October, 2004, and beyond, thus enabling the City to set rates for the periods from October 1, 2002 to September 1, 2003 and from October 1, 2003 to September 1, 2004, and from October 1, 2004 on;

WHEREAS, the City finds that the increased fees as shown in Exhibit A are set at a level designed to recover the City's costs without creating surplus revenues; now therefore;

THE CITY OF TIGARD RESOLVES THAT:

SECTION 1: Resolution 02-06 is hereby amended by modifying Exhibit A to that resolution to read as shown in Exhibit A attached hereto and incorporated by this reference.

SECTION 2: This resolution is effective October 1, 2002.

PASSED: This ____ day of _____, 2002.

Mayor, City of Tigard

ATTEST:

City Recorder, City of Tigard

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**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
PUBLIC WORKS - WATER			
	<i>Booster Pump Charge</i>	\$3.54/bimonthly 3.89/bimonthly 4.12/bimonthly 4.37/bimonthly	2/27/01 10/01/2002 - 09/30/2003 10/01/2003 - 09/30/2004 10/1/04
	<i>Customer Charge</i> (Basic fee charged to customers to have the City deliver water.)	4.00/bimonthly 4.40/bimonthly 4.66/bimonthly 4.94/bimonthly	2/27/01 10/01/2002 - 09/30/2003 10/01/2003 - 09/30/2004 10/1/04
	<i>Fire Hydrant Usage - Temporary</i>		2/27/01
	Hook-up service	50.00	
	Continued use	50.00/month	
	Consumption	1.81/ccf used	
	<i>Fire Rates (Sprinklers)</i>		2/27/01
	6" or smaller	17.00/month	
	8" or larger	22.50/month	
	<i>Fire Service Connection</i>	1,400.00 + 12% fee based on construction costs.	2/27/01
	<i>Meter Disconnection</i>	Actual labor and material costs	1/23/96
	<i>Meter Installation Fees</i>		
	5/8" x 3/4" Meter	325.00	2/27/01
	1" Meter	500.00	
	1 1/2" Meter	850.00	
	2" Meter	1,000.00	
	3" or more Meter	Actual Cost	5/23/00
	<i>Sanitary Sewer Service</i> (City receives 21.4% of fees collected)		6/6/00
	Base Charge	15.58/dwelling unit/month	
	Use Charge	1.08/100 cubic feet/month for individual customer winter av	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<i>Storm and Surface Water</i>		6/6/00
	(City receives 75% of fees collected)		
	Service Charge	4.00/ESU/month	
	<i>Water Disconnection Charge for Non-payment</i>		2/27/01
	During business hours	50.00	
	After hours, holidays and weekends	100.00	
	<i>Water Line Construction - New Development</i>	12% of Actual Cost	2/27/01
	<i>Water Usage Charges</i>		
	Residential	1.56/100 cubic feet of water	2/27/01
		1.71/100 cubic feet of water	10/01/2002 - 09/30/2003
		1.81/100 cubic feet of water	10/01/2003 - 09/30/2004
		1.92/100 cubic feet of water	10/1/04
	Multi-Family	1.54/100 cubic feet of water	2/27/01
		1.69/100 cubic feet of water	10/01/2002 - 09/30/2003
		2.04/100 cubic feet of water	10/01/2003 - 09/30/2004
		2.16/100 cubic feet of water	10/1/04
	Commercial	1.81/100 cubic feet of water	2/27/01
		1.99/100 cubic feet of water	10/01/2002 - 09/30/2003
		2.11/100 cubic feet of water	10/01/2003 - 09/30/2004
		2.24/100 cubic feet of water	10/1/04
	Industrial	1.50/100 cubic feet of water	2/27/01
		1.65/100 cubic feet of water	10/01/2002 - 09/30/2003
		1.75/100 cubic feet of water	10/01/2003 - 09/30/2004
		1.86/100 cubic feet of water	10/1/04
	Irrigation	1.93/100 cubic feet of water	2/27/01
		2.12/100 cubic feet of water	10/01/2002 - 09/30/2003
		2.25/100 cubic feet of water	10/01/2003 - 09/30/2004
		2.39/100 cubic feet of water	10/1/04

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 24 (SW Gaarde Street)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to four lots along SW Gaarde Street east of SW 118th Avenue. The project will also provide for the installation of the sewer before construction of planned street improvements. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map and list of owners

Notice to Owners with vicinity map

Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

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CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 24
(GAARDE STREET)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 24", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 24, Gaarde Street."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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RESOLUTION NO. 02-____

Page 1

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 24 (SW Gaarde Street)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Gaarde Street would be extended east from SW 118th Avenue to serve four lots as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction is \$68,270. Engineering and inspection fees amount to \$9,220 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$77,490. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner, will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 but vary in lot size from 0.32 acres to 1.92 acres as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided among the four properties proportional to the square footage of each property. Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.59 per square foot of the lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 11, 2002

Agustin P. Duenas, P.E.
City Engineer

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GAARDE STREET
FY 2001-02 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT #24
A PORTION OF THE NW 1/4 SECTION 10 T2S R1W W.M.

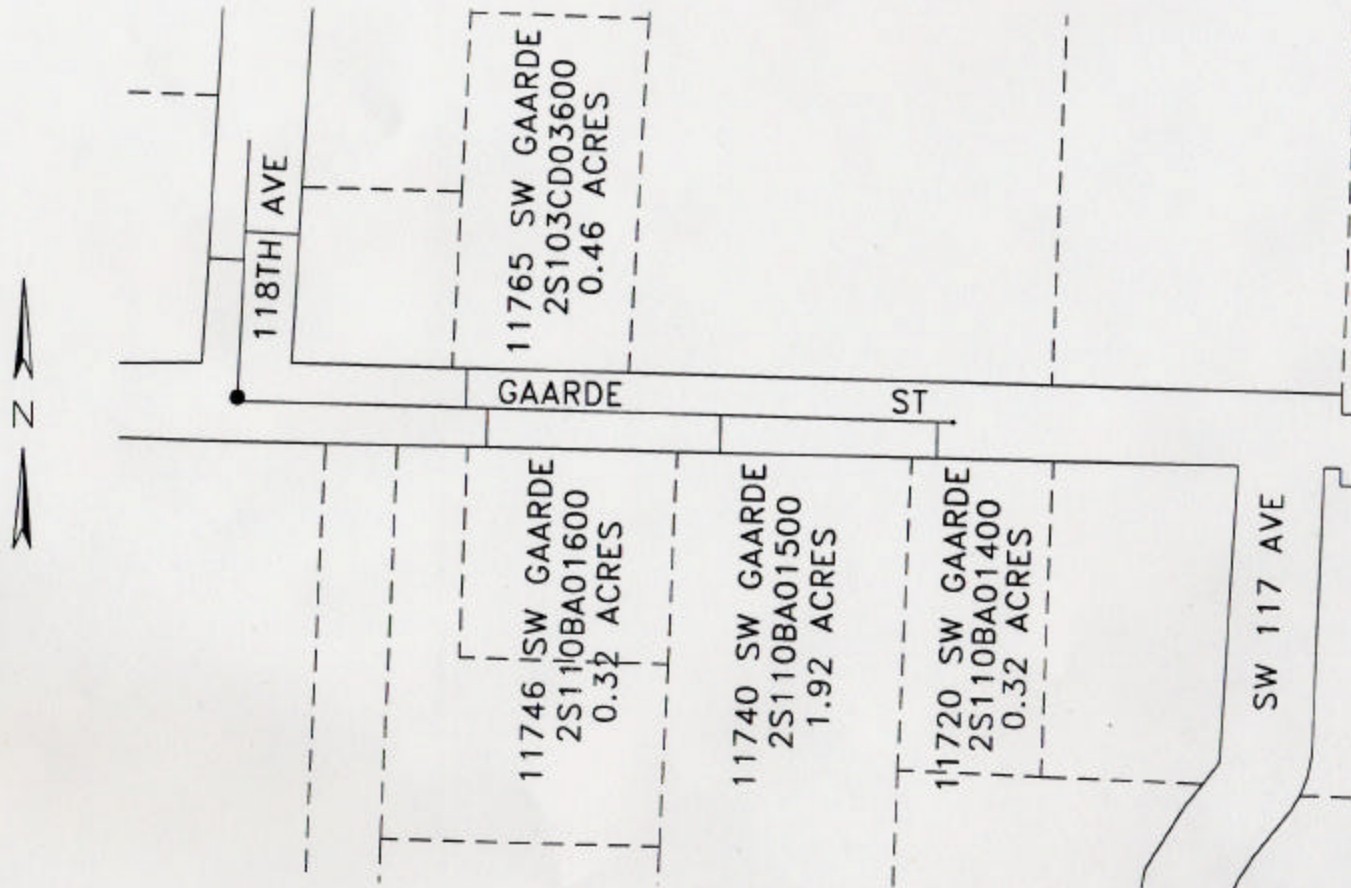


EXHIBIT B
NTS

NOTE
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

Exhibit B - Page 2

Reimbursement District #24
Gaarde Street
Property Owner List

	OWNER	TAX LOT	ADDRESS
1	SPENCER	2S103CD03600	11765 SW GAARDE
2	TERRY	2S110BA01600	11746 SW GAARDE
3	OLSEN	2S110BA01500	11740 SW GAARDE
4	BRADS	2S110BA01400	11720 SW GAARDE

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June 11, 2002

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, June 25, 2002 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 24.
(SW Gaarde Street)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW Gaarde Street.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 639-4171 extension 2468 or at www.ci.tigard.or.us.

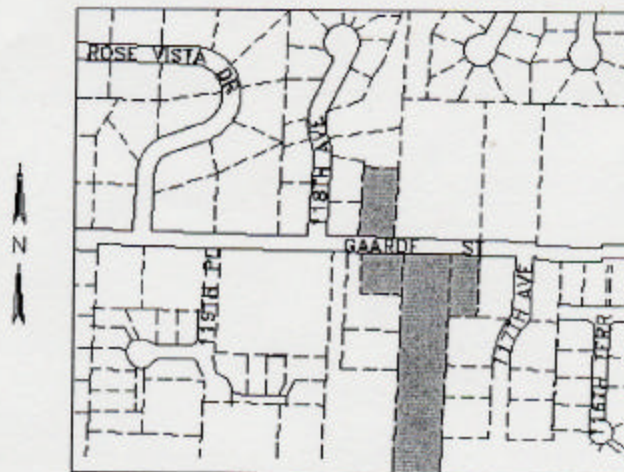
Proposed Sanitary Sewer Reimbursement District No. 24 (SW Gaarde Street)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share of the public sewer line is based on the area of the lot served and is summarized in the attached table. This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Please note that this resolution also requires the owner to pay any fair share amounts that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus the amount the fair share exceeds \$15,000.

The owner would also be required to pay a connection fee of \$2,335.00 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

GAARDE STREET FY 2001-02 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT #24



VICINITY MAP

NTS



PROPERTIES INCLUDED IN
REIMBURSEMENT DISTRICT

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

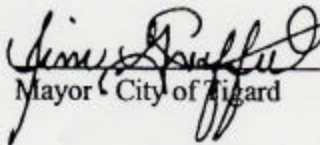
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

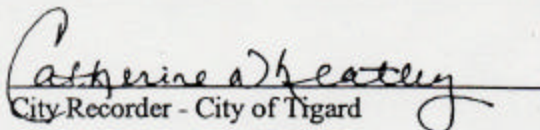
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Formation of Sanitary Sewer Reimbursement District No. 26 (SW 121st south of Rose Vista)

PREPARED BY: G. Berry DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Formation of a sewer reimbursement district to construct a sanitary sewer project as part of the Neighborhood Sewer Extension Program.

STAFF RECOMMENDATION

Approval of the attached Resolution forming the Reimbursement District.

INFORMATION SUMMARY

The proposed project would provide sewer service to three lots along SW 121th Avenue between SW Gaarde Street and Rose Vista Drive . The project will also provide for the installation of the sewer before construction of planned street improvements. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee of \$2,335 before connecting to the line and would be responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to form the Reimbursement District, bids from contractors to construct the sewer will be requested.

Another resolution to finalize the formation of the Reimbursement District, with cost adjustments, will be submitted for Council action after construction is completed and actual construction costs are determined.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable.

ATTACHMENT LIST

Resolution

Exhibit A, City Engineer's Report

Exhibit B, Map and list of owners

Notice to Owners with vicinity map

Resolution 01-46

FISCAL NOTES

Funding is by unrestricted sanitary sewer funds.

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CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26
(SW 121ST SOUTH OF ROSE VISTA DRIVE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 26", attached hereto as Exhibit A, is hereby approved.

SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 26, SW 121st Avenue (south of Rose Vista Drive)."

SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.

SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.

SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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RESOLUTION NO. 02-____

Page 1

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 26
(SW 121st Av. South of Rose Vista)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Gaarde Street would be extended north to serve three lots on the east side of SW 121st Avenue as shown on Exhibit Map B. The lots along the west side are currently served.

Cost

The estimated cost for the sanitary sewer construction is \$45,680. Engineering and inspection fees amount to \$6,170 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$51,850. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the three properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent

that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$17,280. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 11, 2002

Agustin P. Duenas, P.E.
City Engineer

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121ST AVE SOUTH OF ROSE VISTA
FY 2001-02 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT #26
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.

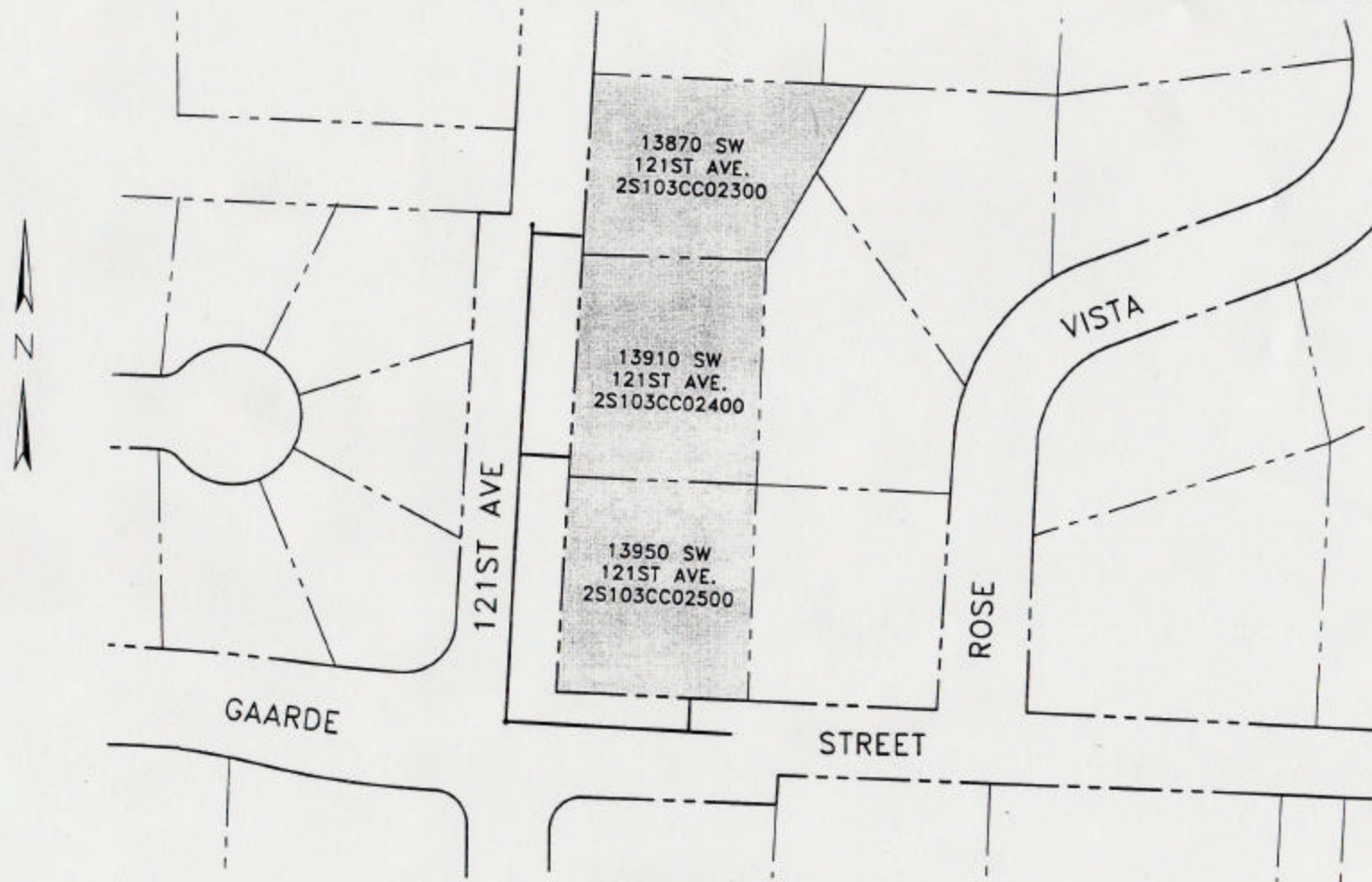


EXHIBIT B

NTS

NOTE
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

Reimbursement District #26
(121st Ave south of Rose Vista Drive)

Property Owner List

OWNER	ADDRESS	
<i>SUMMERS</i>	13870 SW 121ST AVE	Tigard, OR 97223
<i>PALEN</i>	13910 SW 121ST AVE	Tigard, OR 97223
<i>POLIN</i>	13950 SW 121ST AVE	Tigard, OR 97223

June 11, 2002

NOTICE

Informational Hearing

NOTICE IS HEREBY GIVEN
THAT THE **TIGARD CITY COUNCIL**
AT A MEETING ON
TUESDAY, June 25, 2002 AT 7:30 PM
IN THE TOWN HALL OF THE TIGARD CIVIC CENTER
13125 SW HALL BLVD
TIGARD OR 97223

TO CONSIDER THE FOLLOWING:

Proposed Sanitary Sewer Reimbursement District No. 26.
(SW 121st Avenue south of Rose Vista Drive)

The Tigard City Council will conduct an informational public hearing to hear testimony on the proposed Reimbursement District formed to install sewers in SW 121st Avenue.

Both public oral and written testimony is invited.

The public hearing on this matter will be conducted as required by
Section 13.09.060 of the Tigard Municipal Code.

Further information and the scheduled time for this item during the Council meeting may be obtained from the Engineering Department, 13125 SW Hall Blvd. Tigard, Oregon 97223, by calling 503 639-4171 extension 2468 or at www.ci.tigard.or.us.

i:\reimbursement districts\26 sw121st south of rose vista\notice 1-formation hearing.doc

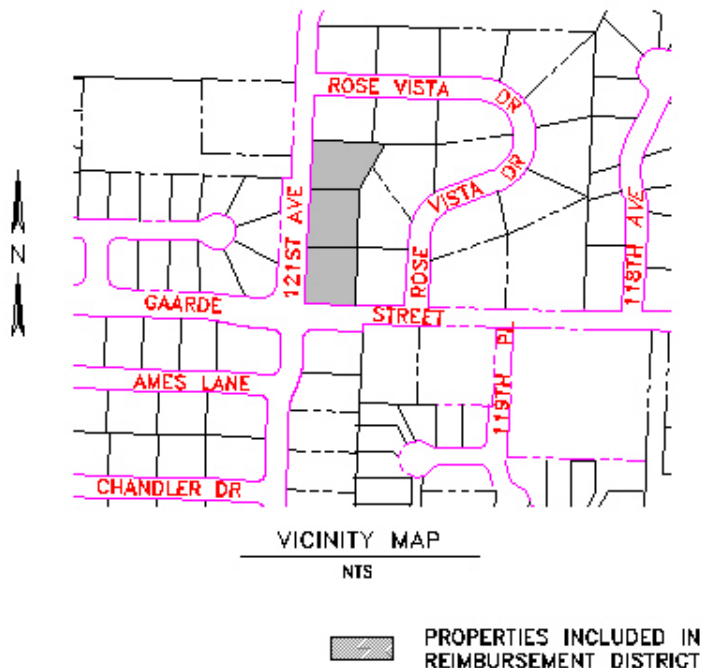
Proposed Sanitary Sewer Reimbursement District No. 26 (SW 121st Avenue south of Rose Vista Drive)

At this meeting, City Council will be requested to form a sewer reimbursement district to provide your neighborhood with sewer service. There is no requirement to connect to the sewer or pay any fee until connection is made. Each property owner's estimated fair share of the public sewer line is \$17,280. This amount will be revised once construction is completed and final costs are determined. An annual increase of 6.05% simple interest will also be applied to this amount.

The amount each property owner will be required to pay will be limited to \$6,000 to the extent it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction, in accordance with Resolution 01-46. Consequently, if the final fair share for an owner turns out to be as estimated, each owner would be required to pay \$6,000 plus \$2,280 (\$17,280 minus \$15,000) for a total of \$8,280 for connections completed within the three year period.

The owner would also be required to pay a connection fee of \$2,335.00 at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

121ST AVE SOUTH OF ROSE VISTA FY 2001-02 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT #26



CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

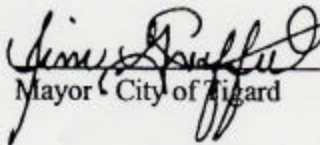
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

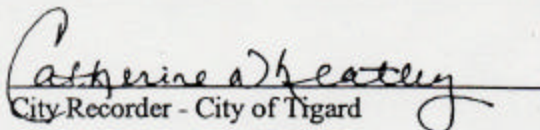
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor • City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

AGENDA ITEM # _____
FOR AGENDA OF June 25, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Consideration of Proposed Assessment Increase for the Metzger Park Local Improvement District

PREPARED BY: Cathy Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

The City of Tigard received a request from Washington County to approve the proposed increase in the Metzger Park Local Improvement District (LID) Assessment.

STAFF RECOMMENDATION

Conduct the public hearing for Tigard residents and hear a report from Washington County and Metzger Park Board representatives to determine whether the Council will approve the attached resolution.

INFORMATION SUMMARY

Attached is a letter from Mr. Larry Eisenberg, Facilities Manager for Washington County, outlining the request for Council approval to increase the assessment for the Metzger Park Local Improvement District (LID). A similar request was considered and approved by the Tigard Council in 1995 (Resolution No. 95-33 is attached).

In 1976 Washington County established a local improvement district for the operation and maintenance of Metzger Park. Since then the annual assessment was increased in 1988 and 1996. Washington County advises that the assessment amount for the district needs to be increased to provide necessary revenues for the ongoing operation of Metzger Park. LID residents now pay approximately \$15.60 per year (based on an assessed valuation of \$150,000 for their property) and, if the proposed increase is approved, the assessment would increase to \$23.40 per year. The total levy amount for the park budget would increase from its current amount of \$60,500 to \$90,500.

In 1987, the City of Tigard annexed properties within the Metzger Park LID, and the County is asking the City Council to approve the proposed LID Assessment for the 2002-03 fiscal year.

The County is also holding a public hearing on June 25, 2002, and hearing notices (attached) were mailed to the LID participants. Attached is a map of the LID area; the computer calculated there are 2,631 total lots of which 1,250 are in Tigard. Attached is a copy of the hearing notice for the Tigard City Council hearing, which appeared in the June 20, 2002, legal notice section of the Tigard Times.

A proposed resolution is attached for Council's consideration.

OTHER ALTERNATIVES CONSIDERED

1. Decline to approve the proposed increase.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

1. Letter dated May 22, 2002, from Mr. Larry Eisenberg outlining the County's request for the City's approval of the increase of the Metzger Park Local Improvement District Assessment.
2. Map of the LID area.
3. Copy of the Notice of Public Hearing for the proposal to increase the Metzger Park LID assessment.
4. City of Tigard Resolution No. 86-53 – to continue the LID in the event of annexation to Tigard.
5. City of Tigard Resolution No. 95-33 – approving the last assessment increase, which was in 1995.
6. Copy of Washington County's Notice of Public Hearing
7. Proposed resolution for the requested assessment increase.

FISCAL NOTES

The City budget is not affected by this request.



WASHINGTON COUNTY

OREGON

RECEIVED C.O.T.

MAY 23 2002

Administration

May 22, 2002

The Honorable Tigard City Council
c/o Mr. Bill Monahan, City Administrator
City of Tigard
13125 S.W. Hall Blvd.
Tigard, OR 97223

Dear Members of the Tigard City Council:

As I believe you are aware, the 2002-2003 operating budget for the Metzger Park Local Improvement District (LID) has been approved by the Washington County Budget Committee. Although that budget is in balance, the assessment amount for the district needs to be increased to provide necessary revenues for the on-going operation of Metzger Park in a fiscally responsible manner. In response to a request from the Metzger Park LID Advisory Committee, the Washington County Board of Commissioners has initiated the necessary steps, including a notification to all property owners in the LID, and a call for a public hearing to be held on June 25, 2002 at 6:30 PM. As has occurred previously, the Tigard City Council must also approve the proposed increase in the LID assessment, if it is to occur. As a result, on behalf of the Metzger Park LID Advisory Committee, I am requesting that your Council consider an increase in the Metzger Park LID levy from its current **amount of \$60,500 to \$90,500**. This increase will cause the tax rate to increase from \$.104 per \$1,000 assessed value to \$.156 per \$1,000 assessed value, or an increase of approximately 5.2 cents per thousand dollars of value the first year. This equates to a \$5.20 increase to the owner of a \$100,000 home.

BACKGROUND

In 1976, Washington County established a local improvement district for the operation and maintenance of Metzger Park. In May of 1988, the maximum annual assessment for the Metzger Park LID was increased from \$27,000 to \$40,500. In 1996, the maximum annual assessment was increased from \$40,500 to \$60,500. The fiscal year 2001-02 revenue budget is \$74,975, with 77% of the revenue (\$57,475) received from the LID assessment and 21% (\$16,000) from hall rental, and 2% (\$1,500) from interest.

In 1987, the City of Tigard annexed properties within the Metzger Park LID. Since the City of Tigard annexed the properties prior to the 1988 assessment, it was County Counsel's opinion that the City of Tigard must approve the increased assessment for properties within the City of Tigard. The Tigard City Council approved the assessment for the current tax year on August 24, 1993. The Tigard City Council again approved the increase in 1996. The City Council is now being asked to approve the proposed increase in the LID Assessment for the 2002-2003 fiscal year and beyond at your meeting of June 11, 2002.

Assessments for the Metzger Park LID are proposed for adoption for Fiscal Year 2002-2003 as summarized below:

No. of Lots	Total Assessment
2,480	\$90,500.00

The proposed new assessment is \$90,500, an increase of \$30,000 per year. The estimated tax rate impact of this proposed increase for a six-year period, assuming a 3% increase in valuation, as allowed under Measure 50, is as follows:

<u>Calendar</u>	<u>Tax Rate/1000</u>	<u>Valuation</u>	<u>Assessment</u>
02	.1050	578,809,280	60,500
03	.1520	596,173,558	90,500
04	.1470	614,058,765	90,500
05	.1430	632,480,528	90,500
06	.1390	651,454,944	90,500
07	.1350	670,998,592	90,500
08	.1310	691,128,550	90,500

The additional revenues generated by the increased assessment would be used in several ways, as outlined below.

- Inflationary cost increases

Metzger Park has been experiencing ongoing inflationary cost increases in personnel service and materials and supplies. It is assumed that the Park operating budget will increase by 3% a year to cover these basic inflationary costs.

- Contingency

Provide for a contingency level of approximately \$30,000 annually to meet cash flow requirements through the first third of the fiscal year until LID revenues are received. Contingency funds also provide assurance that unexpected costs will be covered if necessary.

- ADA compliance and capital projects

Funds are needed to complete pathways to meet ADA requirements at the park. In addition, the primary parking area at Metzger Park has seriously deteriorated due to weather and age. The lot needs to be rebuilt, or receive a new topcoat, and then be re-striped. In addition, the two supplemental gravel parking areas near the tennis court and basketball court need to be paved and striped to provide more effective parking and meet access requirements for the disabled.

- Equipment replacement

Park equipment, including lawn mower, floor buffer, swings, tennis court net, interior and exterior furniture, etc., needs periodic replacement. The Park budget does not have a reserve to absorb the cost of replacing this equipment.

- Building component replacement

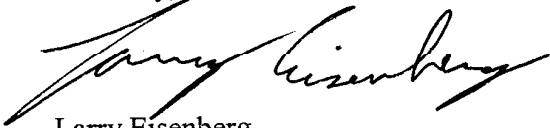
The Park does not have a reserve to cover the cost of replacing building systems as they fail. The need to obtain a County General Fund loan in prior years to cover the cost of roof structural damage is a good example of this situation. Plumbing fixtures, HVAC, and electrical systems all need periodic repair and replacement. As a special fund, the Park needs to be able to cover the cost of the failure of significant building components. A 20-year straight-line depreciation method is used to capture the value of the existing structure, as a proxy for expected costs of ongoing building system replacement.

As depicted in the attached table, the first use of the increased assessment would be to cover inflationary costs, begin the rebuilding of the operating contingency; address critical capital needs, and begin the establishment of the building replacement fund. A three-year build-up of funding is noted in the equipment replacement line to allow for replacement of the large park tractor/mower in 2004-2005. The general expenditure pattern continues over the next several years to meet basic needs and allow the desired operating contingency level of \$30,000 to be achieved. During this period, available funds are also directed into the new building component replacement reserve. Funds are identified in the later years to meet on-going equipment replacement requirements. Other on-going inflationary cost increases are covered as well.

This proposed program should effectively meet current park needs and allow reserves to be built for future expenses as well. If all assumptions remain intact, it is likely that the proposed LID fee increase would provide adequate funding for Metzger Park for the foreseeable future.

Because no other viable mechanism currently exists to provide for Metzger Park maintenance, your approval of the proposed increase in the LID assessment is requested at this time. County staff and members of the Metzger Park Advisory Board will be in attendance at your meeting of June 11 and will be able to respond to any questions that you may have. Thank you for your consideration.

Sincerely,



Larry Eisenberg
Facilities Manager
Department of Support Services

cc: Charles Cameron
Robert Davis
Chris Wayland
Jeanette Carter
Members, Metzger Park Advisory Board

**METZGER PARK LID
ASSESSMENT INCREASE SIX-YEAR ALLOCATION**

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08
1. Inflationary Cost Increases	\$2,598	\$2,675	\$2,756	\$2,838	\$2,924	\$3,011
2. Operating Contingency	\$4,652	\$3,075	\$2,994	\$10,912	\$10,826	\$10,739
3. ADA Compliance & Capital Outlay	\$2000	\$5,000	\$5,000	\$-0-	\$-0-	\$-0-
4. Equipment Replacement (Capital Outlay)	\$6,500	\$5,000	\$5,000	\$2,000	\$2,000	\$2,000
5. Building Replacement	\$12,750	\$12,750	\$12,750	\$12,750	\$12,750	\$12,750
TOTALS	\$28,500	\$28,500	\$28,500	\$28,500	\$28,500	\$28,500

1. Current Operating Budget = \$86,585 (Inflation calculated @ 3%)
2. Annual Contingency shown here is between 3% & 11% of operating budget (current contingency is now zero). Contingency will increase annually if not utilized and by FY 2006-07 the budgeted contingency will be approximately \$32,459 (32% of the operating budget).
3. Parking Lot re-paving & striping, and miscellaneous ADA paving
4. Mower with attachments and other equipment replacements
5. Current building replacement value @ \$255,000. Per year amount based on 20-year straight-line depreciation method.

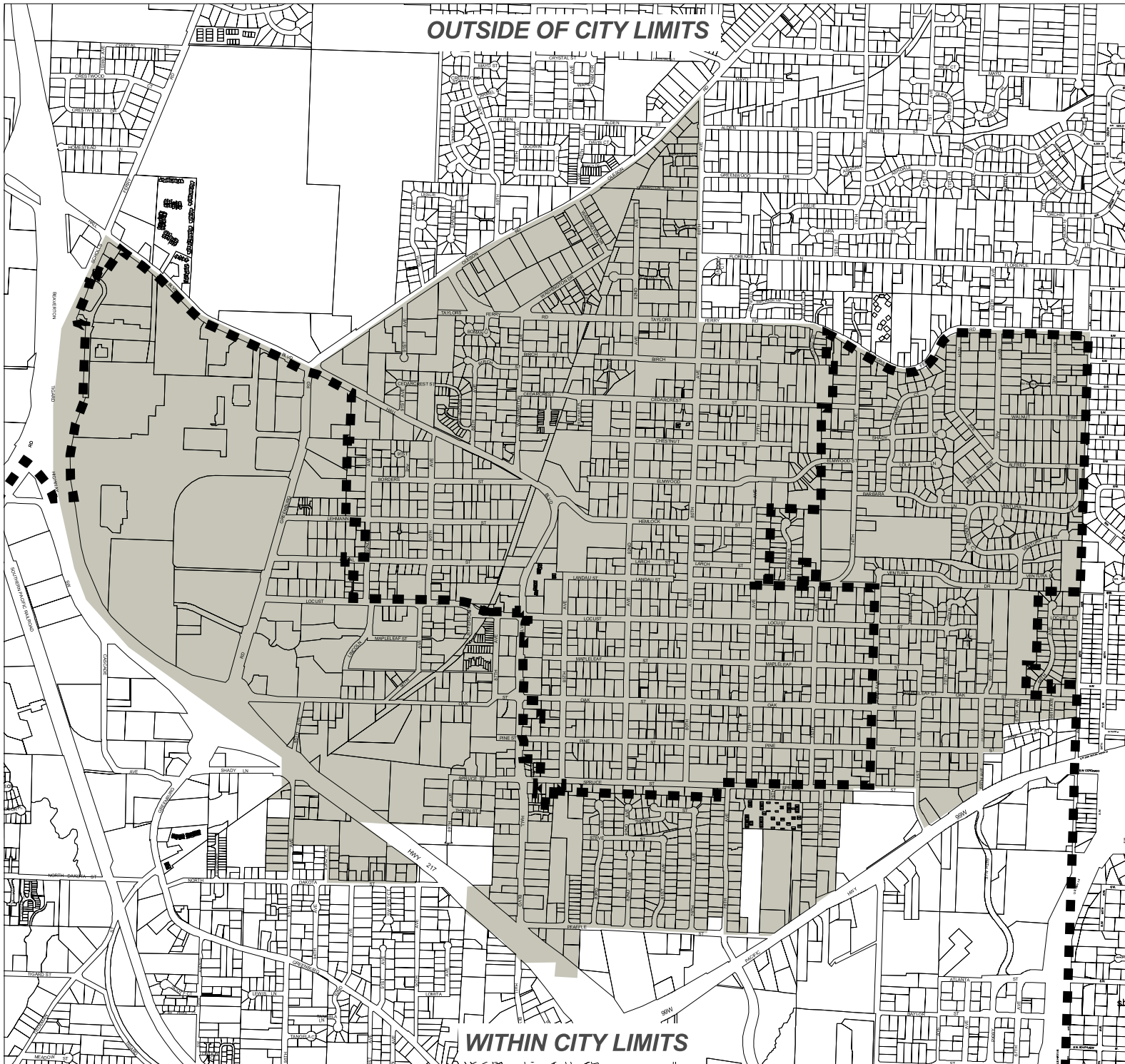
Current LID Assessment	\$60,500
Proposed Increase	<u>\$30,000</u>
New Total Assessment	\$90,500

NOTE:

1976 Assessment	\$18,000
1981 Assessment	\$27,000
1988 Assessment	\$40,500
1996 Assessment	\$60,500
Proposed 2002 Assessment	\$90,500

Collection rate currently @ 95% of LID Assessment

Historically, Metzger Park LID Assessment increases by an average of 50% every 6 years. 2002 is the 6th year at the current level.



CITY of TIGARD
GEOGRAPHIC INFORMATION SYSTEM

Metzger Area LID

Tigard City Limits

LID Boundary

N

0 500 1000 1500 2000 Feet

1"= 1350 feet

City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

NOTICE OF PUBLIC HEARING

**TIGARD CITY COUNCIL MEETING – JUNE 25, 2002
7:30 PM – TIGARD CITY HALL
13125 SW HALL BOULEVARD, TIGARD, OREGON**

CONCERNING A PROPOSAL TO INCREASE THE ASSESSMENT FOR THE METZGER PARK LOCAL IMPROVEMENT DISTRICT

The Tigard City Council received a request from Washington County to approve the proposed increase in the Metzger Park Local Improvement District assessment. Local improvement district participants now pay approximately \$15.60 per year (based on an assessed valuation of \$150,000 for their property) and, if the proposed increase is approved, the assessment would increase to \$23.40 per year. The Council will conduct a public hearing to hear testimony and then consider whether or not to support this increase.

County staff members and members of the Metzger Park Advisory Board will be at the hearing to respond to questions.

For more information, contact City Recorder Cathy Wheatley at 503-639-4171, ext. 2410 or by email: cathy@ci.tigard.or.us.

By: Catherine Wheatley, City Recorder

TT

Publish June 20, 2002

CITY OF TIGARD, OREGON

RESOLUTION NO. 86 - 53

A RESOLUTION OF THE CITY OF TIGARD, OREGON, DECLARING THE CITY'S SUPPORT FOR THE METZGER/WASHINGTON SQUARE ANNEXATION TO TIGARD.

Whereas, the Metzger/Washington Square Community Planning Organization (CPO) has been studying its options in maintaining and improving municipal services;

Whereas, the CPO asked the City to conduct a Municipal Services Study for the area and outline the City services available upon annexation;

Whereas, the Tigard Municipal Services Study for the Metzger/Washington Square CPO has been completed and presented at a CPO meeting; and,

Whereas, citizens in the community and through the CPO have asked the City to formally declare its position towards a Metzger/Washington Square annexation proposal;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

Section 1. Election. The City reaffirms its preference for a Metzger/Washington Square community vote on a comprehensive proposal for the Metzger/Washington Square area; and encourages timely hearings and an election by November, 1986 if possible;

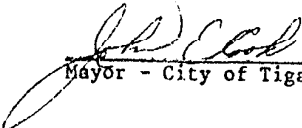
Section 2. CPO Plan Recognition. The City agrees to the County CPO Land Use Plan and recognition of the CPO as a new City Neighborhood Planning Organization (NPO) immediately upon annexation;

Section 3. City Services. The City agrees to extend the same levels of City services into the Metzger/Washington Square area as provided inside current City limits, providing but not limited to: Police, Library, Parks (unless Metzger opts to continue the Park LID), Streets, Sewers, Storm Drainage, Street Lighting, Building, Planning, Engineering and all other General Government services.

Section 4. Special CIP. The City further agrees to dedicate all the net revenues (total new revenue less cost of City services in #3 above - net revenue) coming from annexation back into the Metzger/Washington Square area for 5 years following annexation into a Special Capital Improvements Projects (CIP) fund for sidewalks, bikepaths, street, sewer, storm drainage and other public improvements.

Section 5. Representation. Upon annexation, the Metzger/Washington Square shall have all the rights and opportunities available to Tigard residents and property owners.

PASSED: This 5th day of May, 1986.


Mayor - City of Tigard

ATTEST:


Deputy City Recorder - City of Tigard

CITY OF TIGARD, OREGON

RESOLUTION NO. 95-33

A RESOLUTION OF THE CITY OF TIGARD APPROVING AN INCREASE IN THE LOCAL IMPROVEMENT DISTRICT ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF METZGER PARK

WHEREAS, in 1976, a local improvement district for the operation and maintenance of Metzger Park was established by Washington County; and

Whereas, the City of Tigard annexed approximately 54% of the parcels in the Metzger Park LID in 1987; and

WHEREAS, by Resolution No. 86-53, the City Council acknowledged the Metzger community's option to continue the LID in the event of annexation to the City of Tigard; and

WHEREAS, the maximum annual operations and maintenance assessment for Metzger Park was increased to \$40,500 in May, 1988 after annexation of a portion of the district to the City of Tigard; and

WHEREAS, the LID assessment is annually charged against the non-school taxing districts tax limit of \$10.00 per \$1,000 of assessed valuation; and

WHEREAS, Washington County compiles a Tax Coordination Plan annually, which in part forecasts the future tax rate for all non-school taxing districts; and

WHEREAS, the current revenue received by Metzger Park are inadequate to sustain continued operation and maintenance at an appropriate level.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

Section 1: The ongoing maximum annual operations and maintenance assessment for Metzger Park in an amount not to exceed \$60,500 is hereby approved.

Section 2: In the event the Tax Coordination Plan forecasts the tax rate within the City of Tigard nearing the limit, imposed by Article XI, Section 11b of the Oregon Constitution, by reaching \$9.00 per \$1,000 of assessed valuation, the City of Tigard will confer with Washington County to determine a means by which the City of Tigard's ability to levy taxes within the property tax limitation is not impeded by the LID assessment for Metzger Park.

PASSED:

This 11th day of July, 1995.

Jim Meek
Mayor - City of Tigard

ATTEST:

Catherine Wheatley
City Recorder - City of Tigard

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RESOLUTION NO. 95-33
Page 2

Attachment 6

NOTICE OF PUBLIC HEARING
METZGER PARK LOCAL IMPROVEMENT DISTRICT
INCREASE IN MAXIMUM ANNUAL ASSESSMENT

The board of County commissioners will hold a public hearing on June 25, 2002, at 6:30 pm in the Shirley Huffman Auditorium, Public Services Building, 155 N. First Avenue, Hillsboro, OR.

The Metzger Park LID Advisory Board has recommended increasing the current maximum annual assessment against all properties in the district from \$60,500 to \$90,500 per year. The Board may levy assessments on an annual basis within the maximum without a further public hearing.

The Board will consider written and oral testimony regarding the proposed increase received before the close of the hearing. The Board may adopt an order establishing a new maximum annual assessment and levying an assessment. The current assessment for 2001/2002 is \$.104 per \$1,000 assessed valuation (\$10.40 on a \$100,000 property). The proposed assessment for 2002/2003 is \$.156 per \$1,000 assessed valuation (\$15.60 on a \$100,000 property). This would amount to an increase of approximately \$5.20 per year on a property valued at \$100,000. You may estimate the charge on your property by multiplying \$.1560 x the market value shown on your tax statement. Note that the actual amount will change as the value of your property for tax purposes changes. You also may call the number listed below for an estimate of the amount of the charge on your property.

The proposed assessment, or the assessment as modified by the Board, will be certified to the tax roll for collection with your property taxes.

The authority for a maximum annual assessment shall be revoked if the board receives a written request to revoke signed by more than one-half of the owners representing more than one-half of area of the property within the local improvement district. The signatures cannot be more than 60 days old.

The maximum annual assessment was last increased in 1995. Assessments are used to provide revenues for the operation and maintenance of Metzger Park only. Metzger Park is a seven (7) acre neighborhood, day use facility funded with local improvement district revenues and income generated from the rental building onsite.

If you have any questions or want further information on this topic before the above hearing, please contact the Department of Support Services, Facilities Management Division, at 111 SE Washington, Hillsboro, OR 97123 or telephone 503-846-8715.

Washington County Board of Commissioners

CITY OF TIGARD, OREGON

RESOLUTION NO. 02-_____

A RESOLUTION OF THE CITY OF TIGARD APPROVING AN INCREASE IN THE LOCAL IMPROVEMENT DISTRICT (LID) ASSESSMENT FOR THE OPERATION AND MAINTENANCE OF METZGER PARK

WHEREAS, in 1976, a local improvement district (LID) for the operation and maintenance of Metzger Park was established by Washington County; and

WHEREAS, the City of Tigard annexed approximately 54% of the parcels in the Metzger Park LID in 1987; and

WHEREAS, by resolution 86-53, the Tigard City Council acknowledged the Metzger community's option to continue the LID in the event of annexation to the City of Tigard; and

WHEREAS, the maximum annual operations and maintenance assessment for Metzger Park was increased to \$40,500 in May, 1988 after annexation of a portion of the district to the City of Tigard; and

WHEREAS, the maximum annual operations and maintenance assessment for Metzger Park was increased to \$60,500 in July 1996; and

WHEREAS, Washington County compiles a Tax Coordination Plan annually, which in part forecasts the future tax rate for all non- school taxing districts; and

WHEREAS, the current revenues received by Metzger Park are inadequate to sustain continued operation and maintenance at an appropriate level

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The ongoing maximum annual operations and maintenance assessment for Metzger Park in an amount not to exceed \$90,5000 is hereby approved subject to insufficient remonstrances being received by the County thereby preventing the assessment process.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2002.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

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RESOLUTION NO. 02 - ____